

***The consolidated amendment was changed by unanimous consent prior to adoption. The change, at “[A]” on page 2, will be posted when it is available.***

An amendment 382, 533, 918 has been re-categorized to the Economic Development category.

Amendments from the Constitutional Officers: 7, 66, 86, 96, 113, 150, 171, 174, 281, 351, 383, 394, 437, 555, 580, 593, 613, 615, 635, 648, 705, 754, 825, 897, 918, 983, 1047, 1051, 1247, 1281, 1285, 1286, 1303, 1327, 1333, 1339, 1396, 1397, 1398, 1431, and 1502.

Amendments from the Legislation, Non-Budgetary: 14, 44, 45, 46, 47, 83, 119, 135, 182, 209, 315, 316, 328, 486, 487, 496, 497, 576, 590, 591, 605, 606, 607, 676, 725, 727, 743, 837, 839, 948, 985, 1013, 1067, 1299, 1311, 1329, 1346, 1433, 1462, 1525, 1532, 1533, 1550, 1567, 1568, 1569, 1570, 1573, 1574, 1576, and 1598.

Amendments from the State Finance: 52, 247, 248, 264, 417, 452, 483, 768, 786, 808, 972, 991, 1108, 1113, 1163, 1188, 1233, and 1486.

Mr. DeLeo of Winthrop and others move to amend H. 4900 in section 2, in item 1232-0100, by striking the figure “18,200,000” and inserting in place thereof the following figure:— “19,700,000”, and by inserting after the word “Laws” the following:— “;provided that not less than \$1,500,000 will be expended to the Town of Westford for the cleanup and remediation of number 4 fuel oil at the Abbot School located in the Town of Westford.”

and move to further amend the bill in section 2, in item 0511-0000, in line 7 by inserting after the phrase “ways and means” the following:— “provided further, no less than \$1,500,000 shall be expended for the Commonwealth Museum located at the Massachusetts Archives in Dorchester to renovate existing space of the Museum that will exhibit many treasures of the Commonwealth including the original 1692 Charter of Province of Massachusetts Bay, the Massachusetts Constitution, the Bill of Rights, the Declaration of Independence 8,402,837”.

and move to further amend the bill in section 2 after item 0511-0260 by inserting the following new item:—

0511-xxxx	The Secretary of State shall contract with the UMass Donahue Institute for not less than \$100,000 to provide the Commonwealth with technical assistance on US Census Data and prepare annual population estimates ..... \$100,000
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and move to further amend the bill in section 2, in item 0521-0000, in line 5, by inserting after the word “Worcester” the following:— “; provided further, that not less than \$43,700 shall be expended for establishment of the Lawrence Election Monitoring Program.”

and move to further amend the bill in section 2 after item 0610-0100 by inserting the following new item:—

0610-0140	For the purpose of funding administrative, transactional and research expenses associated with maintaining and increasing the interest earnings on the Commonwealth’s General Stabilization Fund Investments .....\$25,000.
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and move to further amend the bill in section 2, in item 0640-0300 by striking out the figure “8,000,000” and inserting in place thereof the following figure:— “8,650,000”, and by inserting at the end thereof the following:— “provided further, that not less than \$300,000 shall be allocated to increase the Local Cultural Council Grant Program to provide for a minimum grant of \$4,000 per municipality; and provided further, that not less than \$350,000 shall be expended to establish the Cultural Tourism Initiative under the Massachusetts Cultural Council, which shall provide matching funds for marketing programs created

through regional or local partnerships between tourism professional and non-profit cultural organizations through four pilot programs to be created in four different regions of the state.”

and move to further amend the bill in section 2, in item 0810-0000, by adding at the end thereof the following:— “;provided further, that \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative-pilot program in the Bowdoin/Geneva area of Dorchester.”

And move to further amend the bill in said section 2, in said item 0810-0000 by striking the figure “22,437,962” and inserting in place thereof the following: — \$22,687,962

and move to further amend the bill in section, in item 0640-0351 by striking out the figure “\$1,500,000” and inserting in place thereof the following figure:— “1,750,000”

and move to further amend the bill in section 2, in item 0840-0100 by striking out the figure “\$426,996” and inserting in place thereof the following figure:— “\$596,766”.

and move to further amend the bill by adding at the end thereof the following new sections:—

SECTION XX. Not later than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the Affordable Housing Trust Fund established by chapter 121D of the General Laws, and notwithstanding any general or special law to the contrary, said funds shall be used as grants or low-interest loans solely to reduce the price paid by purchasers of affordable homeownership units built with other state and federal housing production resources **[A]**.

SECTION XX. Section 10 of chapter 152 of the acts of 1997 is hereby amended by striking out subsection (c), as most recently amended by section 64 of chapter 352 of the acts of 2004, and inserting in place thereof the following subsection:— (c) In order to increase the marketability of special obligation bonds described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this subsection are hereby impressed with a trust for the benefit of the owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the Capital Reserve Fund described in said section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust or security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. The state treasurer, with the concurrence of the secretary of administration and finance, shall determine that sufficient amounts are held in the Convention Center Fund to meet debt service payments and compliance with any applicable restrictions relating thereto including, without limitation, any coverage requirements contained in any such trust or security agreement or credit enhancement agreement. If the state treasurer and the secretary of administration and finance determine that the balance of the Convention Center Fund exceeds the amount necessary to satisfy the requirement of sufficiency, then the Authority may make expenditures from the Convention Center Fund, in an amount not to exceed such surplus, for the following purposes: (i) to pay costs, not exceeding \$50,000,000, of the heating, ventilating and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease purchase agreement for such systems; (ii) to pay start-up costs, not exceeding \$2,000,000, of the project; (iii) to pay costs, not exceeding \$2,000,000, of engineering and construction of surface parking facilities within the convention center development area as defined in section 2 without completion of an antecedent facility study and engineering study as provided in section 38N of chapter 190 of the acts of 1982; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate; provided, however, that the Authority shall receive written approval from the secretary of administration and finance; (v) to defray the net cost of operations, at an amount not to exceed

\$23,000,000 in Fiscal Year 2004 and that the same amount in each fiscal year thereafter, of the Authority as defined in section 32 of said chapter 190.

SECTION XX. Clause 16 of section 3 of chapter 23G of the General Laws, as appearing in the Official 2004 Edition, is hereby amended by adding the following at the end thereof:—“; provided, however, the Agency shall be required to remit to the General Fund annually an amount of not less than five hundred thousand Dollars from revenues received by the Agency.”

SECTION XX. Clause 23 of said section 3 of said chapter 23G is hereby amended by adding the following at the end thereof:—“;provided, however, that the Agency, upon the land owned or operated by the Agency that was previously operated by or on behalf of the federal government as “Fort Devens,” shall at all times be required to provide for the maintenance, full use, and enjoyment of transitional or permanent housing facilities for the homeless, or those at risk of being homeless, to be operated by Applicants whose application for the use of buildings, facilities, and/or land at the former Fort Devens was allowed, granted, and/or approved by the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government, and such housing facilities and services are to be provided within or on the land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applicants. If such land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applications are not habitable because of environmental contamination, the Agency shall provide the equivalent land, buildings, residential units, administrative offices, and playground facilities elsewhere in the property formerly known as Fort Devens. The Agency shall not assess against or collect from such Applicants any rental payments, taxes, user fees, education fees, or any other form of charge payable to the Agency or any third party, except for the actual costs paid or incurred by the Agency in connection with the provision of utilities to Applicants or their residents, but only if separately and individually metered by residential or administrative unit. The Agency shall not interfere with the management, programs or any other aspect of the operations of the Applicants’ housing facilities or services. For the purposes of this subsection, “Applicants” shall mean each and every applicant who submitted an application to the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government for the use of any land, building, office, playground, or other property at the former Fort Devens, including such applicants’ successors and assigns.

SECTION XX. Section 10 of said chapter 23G is hereby amended in line 2 by striking the word “biennial” and inserting in place thereof the word “annual”; and is further amended by adding at the end thereof the following:—“; provided, however, that the Agency shall at all times be required to maintain detailed books and records of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency, including (i) copies of all invoices for fees and expenses, which invoices shall include detailed entries for all time incurred by such outside counsel or other professionals and (ii) a written disclosure of any personal or professional relationships between said outside counsel or other professionals and any officer, director, or employee of the Agency; such books and records shall be subject to review immediately upon request of the house or senate committees on ways and means.”

SECTION XX. Section 17 of said chapter 23G is hereby amended by adding at the end of the second paragraph therein the following: “Prior to the disposition of any state surplus lands or any interest therein acquired by the Agency, the Agency shall file with the house and senate committees on ways and means a written disclosure detailing with specificity any personal or professional relationships between any officer, director, or employee of the Agency and any party involved with said disposition, including any purchaser, outside counsel or other professional involved with the disposition. The Agency shall, within thirty days of any request by the house or senate committees on ways and means, provide such committees with a detailed summary of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency in connection with any such disposition.”

SECTION XX. Section 34 of said chapter 23G is hereby amended by adding the following at the end thereof: “; Such annual report shall also include (i) a detailed summary of all legal, state and federal

lobbying, and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency and (ii) a written disclosure of any personal or professional relationships between said outside counsel, lobbyists, or other professionals and any officer, director, or employee of the Agency."

;and move to further amend the bill by inserting at the end thereof the following 180 sections:—

SECTION XX. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION XX

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1510 ..... \$20,000,000

0321-1520 ..... \$1,800,000

*Berkshire County District Attorney.*

0340-1100 ..... \$150,000

**OFFICE OF THE STATE COMPTROLLER.**

1000-0001 ..... \$500,000

**EXECUTIVE OFFICE FOR  
ADMINISTRATION AND FINANCE.**

*Division of Human Resources.*

1750-0111 ..... \$80,000

**EXECUTIVE OFFICE OF  
ENVIRONMENTAL AFFAIRS.**

*Department of Fish and Game.*

2300-0100 ..... \$50,000

**EXECUTIVE OFFICE OF  
HEALTH AND HUMAN SERVICES.**

4000-1405	Provided however that not less than \$25,000 shall be expended for funding of the Commission on Veterans' Employment Opportunities, as established by Chapter 355 of the Acts of 2004 .....	\$25,000,000
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*Department of Transitional Assistance.*

4400-1000	.....	\$125,000
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*Department of Public Health.*

4510-0100	.....	\$318,000
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4510-0150	.....	\$1,650,000
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**EXECUTIVE OFFICE OF TRANSPORTATION.**

*Department of Highways.*

6010-0001	.....	\$100,000
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**EXECUTIVE OFFICE OF  
ECONOMIC DEVELOPMENT.**

*Department of Housing and Community Development.*

7004-0099	.....	\$200,000
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7004-9005	.....	\$7,200,000
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*Department of Workforce Development.*

7003-0702	.....	\$1,450,000
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*Department of Business and Technology.*

7007-0900	Provided, that not less than \$150,000 shall be expended for the  MetroWest/495 Corridor Partnership, as successor to the I-495  Technology Initiative.....	     \$400,000
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**EXECUTIVE OFFICE OF PUBLIC SAFETY  
AND HOMELAND SECURITY.**

*Office of the Secretary.*

8000-0000	.....	\$150,000
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*Registry of Motor Vehicles.*

8400-0001	.....	\$400,000
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*Department of Correction.*

8900-0001 ..... \$875,000

SECTION XX To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1513 For additional costs of the public defender division pursuant to sections 5  
and 7 of chapter 54 of the acts of 2005; provided, that no funds  
from this appropriation shall support existing costs associated with  
line item 0321-1500 ..... \$4,560,649

**SECRETARY OF THE COMMONWEALTH.**

0521-0000 For the cost associated with conducting the three House Special Elections  
caused by vacancies in the following districts; 1st Bristol District,  
27th Middlesex District and the 2nd Worcester District..... \$67,465

**EXECUTIVE OFFICE FOR  
ADMINISTRATION AND FINANCE.**

*Reserves.*

1599-7800 For a reserve to meet the fiscal year 2006 costs of salary adjustments for  
justices of the supreme judicial court, appeals court and trial court,  
and certain other employees pursuant to sections 25, 26, and 27 of  
this act ..... \$6,998,409

2200-0100 For an ongoing study conducted by the University of Massachusetts at  
 Amherst's Agricultural Department, of the Winter Moth worm and  
 methods to minimize and or eliminate its damage..... \$75,000

**EXECUTIVE OFFICE OF  
 ECONOMIC DEVELOPMENT.**

*Department of Housing and Community Development.*

7004-1000 For a one-time state supplement to the federal Low Income Home Energy  
 Assistance program for the purpose of assisting low-income elders,  
 working families and other households with the purchase of  
 heating oil, propane and natural gas and electricity, and other  
 primary or secondary heating sources; provided, that expenditure  
 of these funds shall be made in accordance with the state plan  
 submitted by the department of housing and community  
 development in accordance with the federal program; provided  
 further, that \$5,000,000 shall be made immediately available for  
 expenditure for all eligible households; provided further, that  
 \$15,000,000 shall be available for expenditure for said program  
 after federal funds available for said purpose have been expended  
 for said purpose; provided further, however, that such assistance  
 awarded by said program shall be expended in the following order  
 of priority: (1) all eligible households not previously awarded  
 assistance by said federal program; and (2) households previously  
 awarded federally funded assistance in fiscal years 2005 and 2006;  
 provided further, that the department may increase maximum  
 assistance for which a household is eligible to reflect the needs of  
 such households; and provided further, that any federal funds  
 allocated to said program received during fiscal year 2006 shall be  
 expended prior to any expenditures from this item..... \$20,000,000

*Division of Energy Resources.*

7006-1003 For the operation of the division on energy resources..... \$1,056,404

**BOARD OF HIGHER EDUCATION.**

*State Colleges.*

7066-0115 For the purposes of implementing section 15E of chapter 15A of the  
 General Laws to encourage private fundraising by the  
 commonwealth's public institutions of higher education for the  
 endowments and capital outlay programs of said institutions;  
 provided, that funds shall be disbursed on a quarterly basis in  
 proportion to the amount of funds raised by each institution;  
 provided further, that the board of higher education shall  
 implement this program in a manner which ensures that each  
 institution shall have an equal opportunity to secure matching  
 funds from this item..... \$8,000,000

**LEGISLATURE.**

*Joint Legislature Expenses.*

9700-0200 For costs associated with providing interpreter services for the deaf and  
hard of hearing at State House public hearings.....\$12,000

SECTION XX. To provide for certain unanticipated obligations of the commonwealth, to provide for certain other activities and projects and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the General Fund for the several purposes and subject to the conditions specified therein, and subject to the provisions of law regulating the disbursement of public funds; provided, that notwithstanding the provisions of any general or special law to the contrary, appropriations made herein shall not revert and be available for expenditure until June 30, 2008.

**SECRETARY OF THE COMMONWEALTH.**

0526-0910 For a program of grants to units of municipal governments and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that \$40,000 be expended for the West End Museum in the City of Boston; provided further, that \$100,000 shall be expended for the historic preservation repairs at the Bacon Free Library in Natick; provided further, that \$40,000 shall be expended for the historic preservation of the Winthrop Library Museum; provided further, that \$200,000 shall be expended for the historic preservation and maintenance of a public building on the Historic Registry in the town of Stoneham; provided further, that \$100,000 shall be expended for historic preservation at the Lenox Library in the town of Lenox; and provided further, that not less than \$200,000 to be expended for the purpose of restoring the Old Indian Meeting House, in the town of Mashpee; provided further, that \$5,000 shall be expended for the historic preservation repairs to markers at the Brookfield Cemetery; provided further, that not less than \$75,000 shall be expended for the historic preservation of the Ipswich Public Library; and provided further, that said amount shall be matched one hundred per cent by said town of Ipswich; provided further, that \$75,000 shall be expended for historic preservation of Atheneum Hall in the town of Framingham; provided further, that no less than \$30,000 be expended for the purpose of further restorations to the Whitman Town Park designed by Frederick Law Olmstead; provided further, that \$100,000 shall be expended for handicap accessibility at the Needham Historical Society .....\$965,000

**EXECUTIVE OFFICE FOR**

**ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance.*

1599-3748 For a reserve to fund capital projects at state and community colleges; provided, that funds expended from this item shall be prioritized to address the rehabilitation, renovation and maintenance of infrastructure identified as posing an immediate hazard to public safety; and provided further, that the secretary of administration and finance shall file a report with the house and senate committees on ways and means and the house and senate

committees on higher education on or before December 1, 2006  
detailing the list of projects scheduled to receive prioritized  
funding through this reserve ..... \$50,000,000

1599-3749 To fund costs at the University of Massachusetts associated with planning,  
and studies, the preparation of plans and specifications,  
construction, renovation, reconstruction, improvement, demolition,  
expansion, repair, including furnishings and equipment and related  
administrative expenses at the University of Massachusetts for  
campus facilities and grounds capital projects; provided, that funds  
expended from this item shall be prioritized to address the  
rehabilitation, renovation and maintenance of infrastructure  
identified as posing an immediate hazard to public safety; and  
provided further, that funds appropriated herein shall be transferred  
by the comptroller to the University of Massachusetts Building  
Authority based upon a report submitted by the president of the  
University of Massachusetts detailing the list of projects scheduled  
to receive prioritized funding through these funds; and provided  
further that said report shall be filed with the house and senate  
committees on ways and means, the joint committee on higher  
education, and the secretary of administration and finance on or  
before December 1, 2006 ..... \$50,000,000

**EXECUTIVE OFFICE OF  
ENVIRONMENTAL AFFAIRS.**

*Department of Conservation and Recreation.*

2800-0108 For maintenance of the Commonwealth's park and beach system, including  
improvements to public access; provided, that \$50,000 shall be  
expended for Apponagansett Bay in the town of Dartmouth;  
provided further, that \$150,000 shall be expended for the towns of  
Brewster and Harwich to address a phosphorus imbalance in Long  
Pond; provided further, that \$100,000 shall be expended for the  
design and construction of a boardwalk along Salisbury Beach;  
provided further, that \$300,000 shall be expended for  
improvements to Ambrose Park in the city of Revere; provided  
further, that \$100,000 shall be expended for repairs to a boat ramp  
at Pamet River in the town of Truro; provided further, that  
\$350,000 shall be expended for the Kernwood Marina in the city of  
Salem; provided further, that \$50,000 shall be expended for a  
feasibility study to extend the Ashuwillticook Bike Trail from its  
ending point at the Pittsfield-Lanesborough line for an additional  
two miles into the city of Pittsfield; provided further, that \$100,000  
shall be expended to the town of Medway for storm damage;  
provided further, that not less than \$1,000,000 shall be expended  
for capital improvements and maintenance costs for Revere Beach  
in the city of Revere; provided further, that \$250,000 shall be  
expended to the town of Grafton for costs associated with the Lake  
Ripple dredging project; provided further, that \$100,000 shall be  
expended for the restoration of Merrymount Park in the city of  
Quincy; provided further, that \$30,000 shall be expended for the  
restoration and conservation of Furnace Pond in the town of  
Pembroke; provided further, that \$300,000 shall be expended for  
improvements to Frederick's Park in the city of Revere; provided

further, that \$250,000 shall be expended to the town of Wakefield for the cleanup of Lake Quannapowitt, including its shoreline, bank, buffer zone, and land in the vicinity thereof; provided further, that \$150,000 shall be expended for the Jordan Pond Project in the town of Shrewsbury; provided further, that \$10,000 shall be expended for the Lake Singletary Watershed Association; provided, further, that \$100,000 shall be expended to the Town of Holliston for costs and expenses relative to storm and flood damage, a water emergency situation, and other extraordinary or emergency items as determined by the Holliston Board of Selectmen; and provided further, that \$200,000 shall be expended to rehabilitate the Choate Park Dam in Medway; provided further, that \$125,000 shall be expended for the cleanup and maintenance of the Fellsmere Pond in the City of Malden; provided further, that \$65,000 shall be expended for the cleanup of the Oak Grove culvert in the City of Malden; provided further, that \$100,000 shall be expended for improvements in maintenance costs for the Fells reservation area in the cities of Medford, Melrose and Stoneham; provided further, that not less than \$500,000 shall be made available for the construction of a bath house at Constitution Beach in the East Boston section of the City of Boston; provided further, that \$20,000 shall be expended for improvements to Warren Manning Park in the Town of Billerica; provided further, that not less than \$75,000 shall be expended for construction of handicap accessible raised public access walkway along the Great Brook in the Town of Southwick; provided further, that not less than \$75,000 be expended for design of a handicap accessible public access trail at Pynchon Point in the city known as the Town of Agawam; provided further, that \$100,000 shall be expended for improvements to the Vietnam Veterans park in the Town of Billerica; provided further, that \$40,000 shall be expended to rehabilitate Havey Beach Reservation in West Roxbury; provided further, that not less than \$85,000 shall be expended for reconstruction of a boat launching ramp at Magansett Harbor in North Falmouth; provided further, that \$100,000 shall be expended for the dredging of Nashawannuck Pond in Easthampton; provided further, that \$75,000 be expended for design and construction of Pakachoag Meadows in Auburn; provided further that \$250,000 be expended for the athletic fields in the town of Saugus, including a track located on Dow Street in the town of Saugus; provided further, that \$25,000 shall be expended for the Indian Lake Watershed Association; provided further, that \$150,000 be expended for sidewalk construction and improvement on the Lynn Fells Parkway in the town of Saugus between the Main Street intersection and the Saugus/Melrose line; provided further, that \$100,000 shall be expended for improvements to the William A. Meaney Playground in Dorchester; provided further, that \$75,000 be expended for the design of Traffic signals at the intersection of Route 44 and Plymouth Mobile Estates; provided further, that \$30,000 shall be expended for improvements to Tercentennial Park in the town of Framingham; provided further, that \$35,000 shall be expended for emergency repairs to the Oak Grove Playhound in Millis; provided further, that not less than \$75,000 shall be expended for costs associated with the design and construction of

the Charles River skatepark in the City of Cambridge; provided further, that \$800,000 shall be expended to the Town of Holliston towards acquisition and/or other improvement costs in connection with the rail trail from the Town of Sherborn through a portion of the Town of Holliston; provided further, that \$100,000 be expended for the improvement of Saxton J. Foss Park in the city of Somerville; provided further, that \$150,000 be expended for a traffic light at a pedestrian crosswalk at Hawthorne Street Extension in Cambridge; provided further, that \$250,000 be expended to enhance the park land and construct the boat ramp at the land on Route 110 Methuen as the "Beas" site"; provided further, that \$90,000 shall be expended for park renovations in Stone park in the town of Ashland; provided further, that not less than \$18,500 shall be expended for the costs associated with the Honor Roll Memorial in the Town of Southbridge; provided that no less than \$45,000 shall be expended for safety repairs to the dam and herring ladder located on the Mattapoissett River at Route 6; provided further, that \$100,000 shall be expended for the maintenance programs and supplies for Squantum Point Park ..... \$7,243,500

2800-0610 For design and engineering services related to the renovation of the Department of Conservation and Recreation's community pools deemed to be in critical condition or very poor condition in the Department's "Key Components Assessment Summary" conducted in 2004 and further provided that design and facility operation plans shall be developed in partnership with the local community..... \$1,500,000

2850-1511 For a grant program to fund the rehabilitation, reconstruction and construction of sea walls; provided, that preference of funding for the renovation and construction of said sea walls shall be given to those areas that pose an immediate hazard to public safety ..... \$5,000,000

## **EXECUTIVE OFFICE OF TRANSPORTATION.**

### *Department of Highways.*

6005-0030 To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that \$336,000 shall be expended for the Bolivar Street project in the town of Canton; provided further, that \$40,000 shall be expended for flood control on Forest Road in Millis; provided further, that \$25,000 shall be expended for the Woburn Nelco Roadway construction; provided further, that \$350,000 shall be expended for the reconstruction and repaving of Route 133 in Boxford from the Georgetown /Boxford town line to West Boxford Center; provided further, that \$200,000 shall be expended for the installation of a stop light and related road construction at the Winter Street and Route 53 intersection in the town of Duxbury; provided further, that \$500,000 shall be expended for the Route 97 intersection project in the town of Wenham; provided further, that \$200,000 shall be expended for traffic signals and roadway improvements at the intersection of Bolton Street and Rockdale Avenue located in the south end of New Bedford; provided further, that \$125,000 shall be expended

for the replacement of a culvert on Bridge Street in the town of Dennis; provided further, that \$45,000 shall be expended for improvements to the sidewalk on North Main Street in Sherborn to meet the standards of the Americans with Disabilities Act; provided further, that \$200,000 shall be expended for the construction of a new highway barn and salt shed in the town of Medway; provided further, that \$100,000 shall be expended for the Old Center/Common project in North Andover; provided further, that \$100,000 shall be expended for design and construction of sidewalks on Green Street in the town of Lynnfield; provided further, that \$100,000 for platform repairs in the town of Stoughton; provided further, that \$800,000 shall be expended for the Chicopee Riverwalk and Bikeway project; provided further, that \$100,000 shall be expended for the rehabilitation of the Fisher Street Bridge in the town of North Attleboro; provided further, that \$30,000 shall be expended for a feasibility study conducted by the towns of Wakefield and Lynnfield for recreational pathways abutting Reedy Meadow; provided further, that \$200,000 shall be expended to restore and expand 2B Oak Street in the Town of Medway; provided further, that \$125,000 shall be expended for emergency road repairs as the result of heavy rains in the town of Bernardston; provided further, that \$325,000 shall be expended for sidewalks on Franklin Street in the town of Reading; provided further, that \$100,000 shall be expended for the redesign and engineering of the intersection of Chestnut Street and Route One in the town of North Attleboro; provided further, that \$900,000 shall be expended for the fourth phase of the East Street renovation project in the town of Ludlow; provided further, that \$200,000 shall be expended for road improvements on Achusnet Avenue and Braley Road in the city of New Bedford; provided further, that \$50,000 shall be provided to the city of Northampton for a study and preparation of plans to correct drainage problems in the Federal Street and Bernache Street areas of said city; provided further, that \$250,000 shall be expended for improvements to traffic flow in Billerica center; provided further, that \$20,000 shall be expended for the construction of a salt shed in the Town of Brookfield; provided further, that \$50,000 shall be expended for road improvements to Route 101 in the Town of Templeton; provided further, that 80,000 dollars be allocated for the construction of a crosswalk along the border of the Town of Lexington and the City of Waltham; provided further, that not less than \$50,000 shall be expended for the Gateway to the Manor project in the town of Dedham; provided further, that \$70,000 shall be expended for emergency road and infrastructure repairs as the result of the heavy rains of July 18, 2005 in the town of Whately; provided further, that not less than \$50,000 shall be expended to the Town of Bellingham for restoration and preservation of historic buildings; provided further, that not less than \$20,000 be provided to the Town of Sutton for the study and design of the Manchaug Village tourism streetscape plan; provided further, that not less than \$300,000 shall be expended for the installation of a traffic signal to allow for U-turns on Route 1 in the town of Westwood; provided further, that \$40,000 shall be expended to the town of Littleton for signalization lighting at the Littleton High School

entrance located on King Street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts Highway Department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that \$400,000 shall be expended for the renovation of the Rockland Street Bridge in the Town of Wellesley; provided further, that not less than \$25,000 shall be expended for said department to conduct a feasibility study on erecting sound barriers along Route I-93 in Somerville; provided further, that \$100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Mendon; provided further, that \$50,000 shall be expended to the town of Littleton for right of way acquisitions on two parcels located at 62-64 King Street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts Highway Department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that \$100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Hopedale; provided further, that \$400,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Milford; provided further, that not less than \$100,000 be expended for improvements to the Memorial Bridge Rotary in West Springfield; provided further, that \$85,000 shall be expended for improvements to the sidewalks on North Main Street in the town of Andover; provided further, that not less than \$200,000 shall be expended for design and development of Quinebaug Valley Rail Trail; provided further, that \$250,000 shall be expended for roadway and infrastructure improvements on Essex Street from Danvers Road to the Lynn line in Swampscott; provided further, that \$90,000 shall be expended for sidewalk construction in the town of Ashland; and provided further, that \$100,000 shall be expended for the repaving of Paradise Road in Swampscott..... \$7,981,000

6033-0592 For construction and reconstruction projects on town and county ways as described in subdivision (a) of clause (2) of section 34 of chapter 90 of the General Laws; provided, however, that all funds appropriated pursuant to this account shall be in addition to all capital funds otherwise allocated or obligated and said appropriation shall not operate to reduce or replace any capital funds required to be made available for chapter 90 purposes; provided further, that notwithstanding chapter 29 of the General Laws or any other general or special law to the contrary, all funds appropriated herein shall be used exclusively to reimburse chapter 90 capital expenses arising out of prior capital authorizations and that all funds appropriated herein shall be used prior to using existing capital funds for reimbursements; provided further, that all funds appropriated herein shall be distributed based on the formula used by the highway department to distribute capital funds made available pursuant to chapter 90 in fiscal year 2006; provided further, that a city or town shall comply with the procedures established by the highway department; provided further, that any

such city or town is hereby authorized to appropriate for such projects amounts not in excess of the amount provided to such city or town under this item; provided further, that said appropriation shall be made as an available fund upon approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse said city or town under this item within 30 days of receipt by the department of a request for reimbursement from such city or town, which request shall include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of such city or town according to the specifications of said project and in compliance with applicable law and said procedures established by the department ..... \$55,000,000

6033-0593 For critical roadways, streetscape, and handicap access improvements to the Sears Rotary, Ipswich Street, Maitland Street, the Honorable Philip Grigs Bowker Interchange, and Yawkey Way in the city of Boston..... \$12,500,000

#### **EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.**

##### *Department of Housing and Community Development.*

7004-0097 For economic grants to municipalities; provided further, that not less than \$150,000 shall be expended for improvements to the Sevens Library in North Andover; provided, that \$40,825 shall be expended for the Rockland Community Center; provided further, that \$50,000 shall be expended to the Salisbury Historical Society to complete a historic building restoration and create a town history museum and visitors center at Parson's Corner in Salisbury; provided further, that \$500,000 shall be expended for the Mohawk Theatre, subject to a 100 percent funding match; provided further, that \$16,000 shall be expended for emergency flood remediation in the town of Athol; provided that \$500,000 shall be expended in the City of Peabody for a one time matching funds for the North River flood control project; provided further, that \$200,000 shall be expended for dredging and flood mitigation in the Aberjona River in the town of Winchester; provided further, that \$1,100,000 shall be expended to the town of Norwood for a one-time matching grant for the elderly population growth project; provided further, that \$40,000 shall be expended to the Woburn Redevelopment Authority for improvements to an elevator to meet the standards of the Americans with Disabilities Act; provided further, that \$1,500,000 shall be expended for the state contribution for a recreational complex in the town of Wrentham; provided further, that \$100,000 shall be expended for the renovation of the Bing Theatre in Springfield; provided further, that \$125,000 shall be expended for the renovation of municipal infrastructure in the town of Webster; provided further, that \$68,000 shall be expended for the North Adams Airport; provided further, that \$200,000 shall be expended for revitalization of the Weymouth landing area in the town of Weymouth; provided further, that \$50,000 shall be expended for an economic development project in the town of New

Bedford at the Elco Dress Factory; provided further, that \$15,000 shall be expended for the WWII monument in the town of Hamilton; provided further, that \$400,000 shall be expended for costs associated with the Tewksbury Center expansion project on Chandler Street in the town of Tewksbury; provided further, that \$50,000 shall be expended for the destruction of old army bunkers located on the Division of Fisheries and Wildlife land in the town of Hingham; provided further, that \$250,000 shall be expended for new seating in the historic Chevalier Auditorium in Medford; provided further, that \$200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View Farm; provided further, that \$50,000 shall be expended for the Cambridge Housing Authority Work Force Program; provided further, that \$50,000 shall be expended for the destruction of old army bunkers located on Mass Highway land in the town of Hingham; provided further, that not less than \$1,000,000 shall be expended for Our House Family Learning Center of the Merrimack Valley; provided further, that \$75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that \$250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater; provided further, that not less than \$2,000,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston; provided further, that \$50,000 shall be expended for the Amesbury Carriage Alliance in the Amesbury lower milliard to preserve and renovate an existing building into a carriage museum, visitors center and artisans center; provided further, that \$1,430,000 shall be expended for renovations and upgrades for Winthrop recreational areas; provided further, that \$40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton Center; provided further, that \$1,000,000 shall be expended for pollution prevention at the Tri-Town landfill in Heath; provided further, that \$225,000 shall be expended to the town of Wayland for a generator for the purpose of emergency evacuation; provided further, that \$205,000 shall be expended for the Major Taylor Memorial in Worcester; provided further, that \$300,000 shall be expended for the McPherson Youth Center in the town of Beverly; provided further, that \$200,000 shall be expended to reconstruct the parks and fields in the town of Medway; provided further, that \$100,000 shall be expended for an economic development project in the town of Braintree; provided further, that \$1,500,000 shall be expended for the Blackstone River Bikeway and Visitor Center including, but not limited to, engineering, design, construction and permitting; provided further, that the department of conservation and recreation shall be responsible for the Blackstone River Bikeway and may enter into agreements with local communities, as well as, private non profit organizations for the construction, care and maintenance of the Blackstone River Bikeway; provided further, that \$1,600,000 shall be expended for commonwealth contribution funds related to the Route 146 Connector project in the city of Worcester; provided further, that \$175,000 shall be expended for the Greenwood Memorial Bathhouse; provided further, that \$280,000 shall be expended for a park renovations at

the Municipal Youth Center in the town of Beverly; provided further, that \$200,000 shall be expended for a matching contribution for the enhancement of recreational sites in the town of Reading; provided further, that \$75,000 shall be expended to the Hyannis Athletic Association for field improvements to McKeon Field in Hyannis; provided further that \$75,000 shall be expended to the town of Barnstable J.F.K. Statute Committee as a one-time matching grant to erect a statue honoring President John F. Kennedy at the J.F.K. Museum located in the village of Hyannis; provided further, that \$200,000 shall be expended for the design and construction of a senior center in the town of Hanover; provided further, that not less than \$250,000 be expended for a joint housing rehabilitation project in the City of Gardner and the Town of Templeton; provided further, that \$100,000 shall be provided to Lilly Library in the Florence section of the city of Northampton for historic preservation, reconstruction, window installation and brick re-pointing and cleaning, said funds to supplement any funds provided by the board of library commissioners; provided further, that \$75,000 shall be expended for roof and stairway repairs on the Danforth building in the town of Framingham; provided further, that \$150,000 shall be expended to the town of Belmont for a one-time matching grant for the construction of a Senior Citizen Center; provided further, that \$200,000 shall be expended for the Town of Kingston Senior Center; provided further, that \$2,000,000 shall be expended for the re-construction of the Manning Bowl in the city of Lynn; provided further, that not less than \$250,000 shall be expended for a Community Action Grant associated with improvements to the site of the 1999 Worcester Cold Storage Warehouse fire in the city of Worcester; provided further, that \$40,000 shall be expended for the maintenance and upkeep of Plympton Town Hall; provided further, that not less than \$100,000 shall be expended for the Worcester County Convention and Visitor's Bureau located in the City of Worcester; provided further, that \$175,000 shall be expended to the Worcester Educational Development Foundation; provided further, that not less than \$1,000,000 shall be expended for the renovation of the Haverhill Stadium and that not less than \$200,000 shall be expended for the renovation of the Cawley Stadium in Lowell; provided further, that not less than \$10,000 be provided to the Millville Senior Center for food service and maintenance equipment; provided further, that \$1,000,000 shall be expended for the demolition, design and reconstruction of the Bellegarde Boat House in the city of Lowell; provided further, that the Town of Halifax shall receive not less than \$50,000 for the Monoponsett Pond Weed; provided further, that \$200,000 shall be expended for the design of a Senior Center in the Town of Plymouth; provided further, that \$400,000 shall be expended for the construction of the Springfield Public Market; provided further, that no less than \$200,000 shall be provided for Brownfield redevelopment projects in the City of Lynn; provided further, that \$100,000 shall be expended for the Central Square Theater project; provided further, that \$75,000 shall be expended for safety upgrades in the town of Franklin; provided further, that \$100,000 shall be expended for the revitalization of downtown Hingham;

provided further that not less than \$100,000 be allocated for the repairs and renovation of the Charles River Landing at Watertown Square; provided further, that \$100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the ground of sunset lake in the town of Braintree; provided further, that \$500,000 shall be expended for the conversion of Korean War microfilm and all remaining paper records of veterans and members of the Massachusetts National Guard to an electronic format to enhance compliance with Chapter 33 section 15 pertaining to the Adjutant General maintaining a roster of all veterans by city and town; provided further, that \$160,000 be expended for the Sharon Community Center to be utilized for federal ADA compliance projects therein..... \$24,169,825

## **BOARD OF HIGHER EDUCATION.**

### *State Colleges.*

7116-0102 For a matching grant for improvements to Rockwood Field located at Worcester State College; provided, that said match shall be one dollar of private funds for every dollar of state funds raised through alumni contributions; provided, that no funds shall be expended until an equal or greater amount has been raised through alumni contribution and committed by Worcester State College Foundation for said project; and provided further, that said college shall work with the City of Worcester ..... \$250,000

### *Community Colleges.*

7509-0102 For the one-time maintenance on the fields and recreational sites at the Mount Wachusett Community College ..... \$100,000

## **LEGISLATURE.**

### *House of Representatives.*

9700-0201 For funding to repair the camera equipment used to television legislative sessions of the House of Representatives ..... \$2,000

SECTION XX Section 1 of chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line one, the figure "\$135,000" and inserting in place thereof the following figure:- \$140,535.

SECTION XX Section 2 of chapter 6 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in line 1 by striking out the figure "\$120,000" and inserting in place thereof the following figure:- \$124,920.

SECTION XX Section 3 of said chapter 6, as so appearing. is hereby amended by striking out, in line 1, the figure "\$25,000" and inserting in place thereof the following figure:- \$26,025.

SECTION XX Section 1 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the figure "\$120,000" and inserting in place thereof the following figure:- \$124,920.

SECTION XX Section 1 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure "\$120,000" and inserting in place thereof the following figure:- \$124,920.

SECTION XX Section 1 of chapter 11 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the figure "\$120,000" and inserting in place thereof the following figure:- \$124,920.

SECTION XX Section 1 of chapter 12 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure "\$122,500" and inserting in place thereof the following figure:- \$127,523.

SECTION XX Chapter 15A of the General Laws is hereby amended by striking out section 15E, as so appearing, and inserting in place thereof the following section:-

Section 15E. It is hereby declared to be the policy of the commonwealth to encourage private fundraising by the state university and public colleges and to assist such fundraising through a matching program to be known as the public higher education endowment incentive and capital outlay contribution program which shall not result in direct or indirect reductions in the commonwealth's appropriations to such institutions for operations or for capital support.

Subject to appropriation, the commonwealth shall contribute funds to each institution's recognized foundation in an amount necessary to match private contributions in the current fiscal year to the institutions or a foundation's endowment or capital outlay program based on the following matching formula. Subject to appropriation, the commonwealth's contribution shall be equal to \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of higher education, privately contributed to the university's board of trustees or a foundation, provided that the maximum total contributions from the commonwealth shall be \$50,000,000; \$1 for every \$2, or \$1 dollar for such greater number of dollars as may be established by the board of higher education, privately contributed to each state college's board of trustees or foundation, provided that the maximum total contributions from the commonwealth shall be \$5,000,000 for each institution; \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of higher education, privately contributed to each community college's board of trustees or foundation, provided that the maximum total contributions from the commonwealth shall be \$2,000,000 for each institution.

Private contributions to the endowment or capital outlay program for purposes of these matching grant programs shall be limited to donations to an endowment for academic purposes including, but not limited to, scholarships and endowed chairs or contributions to a capital outlay program in support of academic facility construction and maintenance approved by the appropriate board of trustees.

Said program shall terminate for the university when its foundation has received \$50,000,000 in appropriated matching funds according to the formula prescribed above, or on July 1, 2010, whichever is sooner. Said program shall terminate for any state college when its foundation has received \$5,000,000 in appropriated matching funds according to the formula prescribed above or on July 1, 2010, whichever is sooner. Said program shall terminate for any community college when its foundation has received \$2,000,000 in appropriated matching funds according to the formula prescribed above or on July 1, 2010, whichever is sooner.

For each institution, the program shall be administered by its foundation, as defined in section 37, in accordance with procedures established by the board of trustees and filed with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance no later than 30 days from the time of adoption. Any further amendments to said procedures shall also be filed within 30 days of adoption with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance. Such procedures shall include a method for each board of trustees to certify to the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance the actual amount received in private contributions to the endowment or capital outlay program in each fiscal year. Such procedures shall also include safeguards for protecting the anonymity of donors who indicate their desire not to be identified. For the state university, such procedures shall also provide that the allocation of all matching funds from the commonwealth shall be subject to prior approval by the president of the university.

SECTION XX Chapter 21A of the General Laws is hereby amended by inserting after section 7 the following section:-

Section 7B. The chancellor of the University of Massachusetts Amherst in consultation with the secretary of the executive office of environmental affairs and department of geosciences shall appoint a professional geologist to be state geologist. The state geologist shall perform research on the land, mineral, and water resources of the state; coordinate and facilitate research and communication among various agencies, researchers and stakeholders; collect, compile, analyze and preserve data pertaining to the geologic environment; disseminate the findings of such research to the public through maps, reports, and other publications; and, direct the Massachusetts Geological Survey. The state geologist shall advise all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geological surveys, and academic institutions. The state geologist shall have a term limit of 5 years at which time the appointment can be reviewed, revoked or renewed.

SECTION XX Section 64 of chapter 29 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The state treasurer, on behalf of the commonwealth, may contract with an employee to defer a portion of that employee's compensation and may, for the purposes of funding a deferred compensation program for said employee, established in accordance with the U.S. Internal Revenue Code, (the "Code"), invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual fund, a bank investment trust, and/or such additional investment alternatives as may be made available under the program. The treasurer shall, before making any such investment, solicit bids from fund managers, investment managers, and insurance companies authorized to conduct business within the commonwealth pursuant to chapter 175, mutual fund managers, and banks, which bids shall be sealed, and opened at a time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, bank investment trust or other fund manager or investment manager, to fund the deferred compensation program shall, where applicable, clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to the salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees and such other information as the treasurer may require. Any contract entered into between an employee and the commonwealth pursuant to this section shall include all such information in terms the employee can reasonably be expected to understand.

SECTION XX Chapter 32 of the General Laws is hereby amended by striking out section 90C3/4, as appearing in the 2002 Official Edition, and inserting in place thereof the following section:-

Section 90C3/4. A former state or metropolitan district police officer, retired prior to July 1, 1992, who has been retired under any provision of this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing such allowance, in the comparable grade or classification occupied by such former officer at the time of his retirement.

SECTION XX Section 20 of chapter 44 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The provisions of the preceding 2 sentences shall not apply to bond premiums received on or before July 31, 2003.

SECTION XX Section 57 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A real estate tax bill sent out for fiscal year 2008 or any subsequent period pursuant to this section shall contain a statement that

there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rater, annual sewer use, or other charge which may constitute a lien is overdue more than 90 days.

SECTION XX The seventh paragraph of section 57C of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A real estate tax bill sent out for fiscal year 2008 or any subsequent period pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rate, annual sewer use, or other charge which may constitute a lien is overdue more than 90 days.

SECTION XX. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended by striking out subparagraph (13) and inserting in place thereof the following subparagraph:-

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in clause (A) of subparagraph (1), of clause (A) of subparagraph (1A), and clause (A) of subparagraph (2) of paragraph (b) of Part B for such taxable year are the maximum allowable amounts set forth in said clauses; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

Notwithstanding any special or general law to the contrary, this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue, and, without the further approval of the general court.

SECTION XX. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent for the taxable year beginning on January 1, 2006.

Notwithstanding any special or general law to the contrary, this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue, and, without the further approval of the general court.

SECTION XX Section 16 of chapter 62C of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in lines 18 and 26 the words "number of cigarettes" and inserting in place thereof, in each instance, the following words:- quantity of tobacco products.

SECTION XX Said section 16 of said chapter 62C, as so appearing, is hereby further amended by striking out, in lines 22 and 25, the word "cigarettes" and inserting in place thereof, in each instance, the following words: - tobacco products.

SECTION XX Section 1 of chapter 64C of the General Laws, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 6, the following words:- "; tobacco products" shall mean cigarettes, smokeless tobacco, cigars and smoking tobacco.

SECTION XX Said section 1 of said chapter 64C, as so appearing, is hereby further amended by striking out, in lines 8, 9, 13, 15, 16, lines 20 and 21, lines 24, 28, 31 and 41, the word "cigarettes" and inserting in place thereof, in each instance, the following words:- tobacco products.

SECTION XX Said section 1 of said chapter 64C, as so appearing, is hereby further amended by striking out, in lines 53 to 55, inclusive, the words ", unless the context otherwise requires, the word 'cigarette' shall include within its meaning smokeless tobacco".

SECTION XX Section 2 of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word "cigarettes" and inserting in place thereof the following words:- tobacco products.

SECTION XX Section 5 of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 3, 7, 8, 11, 13, 17, 19, 25, 26, 37, 38, 43, 45, lines 47 and 48, and in line 50, the word "cigarettes" and inserting in place thereof the words:- tobacco products.

SECTION XX Chapter 90 of the General Laws is hereby amended by inserting after section 32G the following section:-

Section 32G1/2. The registrar shall promulgate rules and regulations relative to the certification and operation of advanced driver training programs offered within the commonwealth. No person or entity shall engage in the business or provide instruction in an advanced driver training program without being certified by the registrar pursuant to any such rules and regulations. The registrar may refuse to issue such certification to any individual or entity if the individual or any employee of an entity has: (a) made a material false statement or concealed a material fact in connection with a certification application; (b) has been the holder of a driving school or driving school instructor's license issued pursuant to section 32G that was revoked or suspended by the registrar; (c) has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude; or (d) if the registrar determines that any individual or entity had failed to furnish satisfactory evidence of good character, reputation, and fitness.

SECTION XX Section 51M of said chapter 90, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, no building or structure for the operation of such business or system shall be newly constructed within 1,000 feet of a residential dwelling without completion of an environmental impact review in accordance with section 62B of chapter 30.

SECTION XX Section 22 of chapter 211 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of \$151,239 and each associate justice shall receive a salary of \$145,984 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION XX Section 2 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of \$140,358 and each associate justice shall receive a salary of \$135,087 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION XX Section 4 of chapter 211B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:-

The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary of \$129,694.

The chief justice of the several departments shall receive a salary of \$135,124.

The chief administrative justice shall receive a salary of \$140,358.

SECTION XX Sections 1 to 13B, inclusive, of chapter 208 of the acts of 2000 are hereby repealed.

SECTION XX The last paragraph of section 363 of chapter 149 of the acts of 2004 is hereby amended by striking out the word "November 24, 2004" and inserting in place thereof the following word:- June 30, 2006.

SECTION XX Paragraph (a) of section 364 of said chapter 149 is hereby amended by striking out the word "April 1, 2005" and inserting in place thereof the following word:- April 1, 2006.

SECTION XX Item 0321-1520 of section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the words "; provided, that not more than \$500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2006".

SECTION XX Item 0340-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that not less than \$150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop".

SECTION XX Item 0340-1100 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that \$150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force.

SECTION XX Item 1750-0111 of said section 2 of said chapter 45 is hereby amended by striking out the figure "\$250,000" and inserting in place thereof the following figure:- \$330,000.

SECTION XX Item 2330-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that \$50,000 in matching funds shall be provided to the national marine life center for wetland restoration.

SECTION XX. Item 2330-0100 of said section 2 of said chapter 45 is hereby amended by striking out the figure "\$4,010,725" and inserting in place thereof the following:- \$4,160,725.

SECTION XX Item 2310-0200 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that \$50,000 in matching funds shall be provided to the National Marine Life Center for wetland restoration", and by striking out the figure \$8,700,000" and inserting in place thereof the following figure:- \$8,650,000

SECTION XX Item 2800-0100 of said section 2 of said chapter 45 is hereby amended by striking out the following words "provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department;" and inserting in place thereof the following:- provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located and operated from the stable and adjacent facilities in the Blue Hills Reservation; provided further, that the Secretary of the Executive Office of Environmental Affairs is hereby directed to request and obtain the return of all animals, equipment, including tack and trailers, and personnel of the departments park rangers mounted unit within their control, custody, and possession as of January 1, 2004; provided further, that not later than December 30, 2006 the department shall file a report with the house and senate committees on ways and means detailing the actual expenditure of funds for the maintenance of the mounted unit in the Blue Hills Reservation;.

SECTION XX Item 4000-1405 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, the executive office of health and human services shall seek federal approval by October 1, 2005 in order to enroll the maximum number of possible enrollees allowable within this appropriation in this program during fiscal year 2006" and inserting in place thereof the following words:- provided further, that said executive office shall seek federal approval by December 15, 2005 in order to enroll an additional 10,000 enrollees, for a maximum total of 54,000 enrollees; and provided further, that said executive office shall certify that said increased enrollment shall not result in a deficiency in said program in fiscal year 2006.

SECTION XX Item 4400-1000 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that \$100,000 shall be expended for the Horizon Housing Program located in Mattapan; and provided further, that \$25,000 shall be expended for the Pettengill House of Salisbury.

SECTION XX Item 4510-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that \$158,000 shall be expended for the Haitian Multi-Service Center; provided further, that \$100,000 shall be expended for Massachusetts Cervical Cancer Commission; provided further, that \$50,000 shall be expended for youth services at the youth center in Uxbridge; and provided further, that \$40,000 shall be expended for the Dismas House at the Worcester County House of Correction.

SECTION XX Item 4510-0150 of said section 2 of said chapter 45 is hereby amended by adding the following words:- provided further, that \$150,000 shall be expended for the Harvard Street health center located in the North Dorchester section of the city of Boston; provided further, that \$200,000 shall be expended for Roxbury Comprehensive Community Health Center (RoxComp) to mitigate health care disparities; provided further, that \$1,500,000 shall be expended to the Massachusetts League of Community Health Centers for the purchase and implementation of electronic medical records; and provided further, that said funds shall be matched with private or federal funds.

SECTION XX Item 6010-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that \$100,000 shall be expended for the SCM Community Transportation.

SECTION XX Item 7003-0702 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that \$1,250,000 shall be expended for the 1:1 Wireless Initiative at the New Boston Pilot Middle School; provided further, that not less than \$200,000 shall be expended for a pilot program to provide employment training and job placement by the Center for Adaptive Learning and Programs; provided further, that the contribution of said funds shall be matched by contributions from private entities equal to 1 times the expenditures from this item.

SECTION XX Item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that \$100,000 shall be expended for the Partners for Community Corporation; and provided further, that \$100,000 shall be expended for the Puerto Rican Cultural Center in Springfield.

SECTION XX Item 7006-1000 of said section 2 of said chapter 45, is hereby amended by striking out the figure "\$1,441,404" and inserting in place thereof the following figure:- \$400,000.

SECTION XX Item 8000-0000 of said section 2 of said chapter 45 is hereby amended by adding the following:- provided further, that not less than \$150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; provided further, that not less than \$130,000 shall be expended for the Salem Harbormaster in the City of Salem for the purpose of purchasing an additional patrol boat.

SECTION XX Item 8400-0001 of said section 2 of said chapter 45 is hereby amended by striking out the words "may operate a full service office in the town of Milford to be operated 5 days a week;" and inserting in place thereof the following words:- shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, that \$400,000 shall be expended for a study and evaluation of the automated license and registration system;.

SECTION XX Item 8900-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that \$875,000 shall be expended for an emergency safety equipment grant to the town of Bridgewater.

SECTION XX. Item 7004-0022 of section 2 of chapter 53 of the acts of 2005, is hereby amended by striking out the words "section 4" and inserting in place thereof the following word:- section 7.

SECTION XX. Section 37 of chapter 45 of the acts of 2005 is hereby amended by adding at the end thereof the following:- Said commission shall also require that electronic roll call machines in the House of Representatives be shown during live cable television coverage of any legislative session and provide recommendations to the house and senate committees on ways and means on the cost of such a requirement.

SECTION XX Notwithstanding section 15E of chapter 15A of the General Laws, the procedures established by the boards of trustees of public higher education to administer the public higher education endowment incentive and capital outlay contribution program established by said section 15E shall be adopted on or before January 15, 2006.

SECTION XX Notwithstanding any general or special law or regulation to the contrary, the state comptroller shall grant a permanent waiver or exemption from any and all applicable charges or assessments made against the Water Supply Protection Trust by the Office of the Comptroller pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws. Any charges or assessments made against the Water Supply Protection Trust pursuant to the aforementioned sections shall be refunded to the Trust forthwith.

SECTION XX Notwithstanding any general or special law to the contrary not less than 10 days after effective date of this act, the comptroller shall transfer the balance of Transitional Escrow Fund, established by section 16 of chapter 106 of the acts of 2005, to the General Fund. Any amount exceeding the expenditures required by this act shall remain in the Transitional Escrow Fund.

SECTION XX Sections 3, 4, 5, 6, 7, 8 and 9 shall take effect as of July 1, 2005.

SECTION XX Sections 26, 27 and 28 shall take effect on January 1, 2006.

SECTION XX Item 7004-9024 of section 2 of chapter 45 of the acts of 2005, is hereby amended, in line 43, by striking out after the words "costs of administering the program" the following:- ; provided further, that the costs of administration shall not exceed 6 per cent of the appropriation provided in this item; provided further, that the 6 per cent shall include, but not be limited to, all expenditures which may be made by the department to conduct or otherwise contract for rent voucher program inspections; and in line 64, by striking out after the words "set forth herein" the following:- ; provided further, that ceiling rents shall not be enforced by the department.

SECTION XX Section 2 of Chapter 45 of the acts of 2005 is hereby amended in item 4510-0110 by adding the following: provided, further, that not less than \$13,622 shall be expended for repair of the kitchen facilities at Lawrence Senior Center.

SECTION XX Item 1599-0042 as appearing in Section 2 of Chapter 45 of the Act of 2005 is hereby amended in line 7 by inserting after the word "care" the following, "formerly purchased by the Office of Child Care Services" and further amended in line 12 by deleting the word "may" and inserting in place thereof the following, "shall".

SECTION XX Item 7004-0097 of section 2 of chapter 45 is amended by inserting the following: provided further, that the department shall be expended to the Town of Randolph for a one-time grant in the amount of \$100,000 for the Joseph J. Zapustas Arena for capital improvements.

SECTION XX Item 4403-2120 of section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting after the words "provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department;" the following words:- "provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for further shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws;.

SECTION XX Item 8000-0010 as appearing in Section 2 of Chapter 45 of the Act of 2005 is hereby amended in line 45 by inserting after the word "Sandwich" the following: "provided further, that not less than \$40,000 shall be expended for police protection at Five Corners intersection during the Summer of 2006 by the Town of Tisbury,.

SECTION XX. Item 7004-9005 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following:- and provided further that \$7,200,000 shall be expended for funds owned to local housing authorities for prior operating subsidy deficiencies.

SECTION XX Item 4512-0200 of section 2 of Chapter 45 of the Acts of 2005 is hereby amended by adding the following: "; provided further that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus.

SECTION XX Item 7007-1200 of said section 2 of said chapter 45 of the Acts of 2005 is hereby amended by inserting after the word "Initiative" in line 21 the following: "and provided further that \$150,000 shall be provided to the North Central Chamber of Commerce to develop the Mass Plastics Medical Device Connection Initiative"; and in said item by striking out the figures "500,000" and inserting in place thereof the figures "650,000".

SECTION XX Said section 2 of said chapter 45, as so appearing, is hereby further amended in line item 2000-0100, by deleting the words "for Salisbury Beach" after "new flood insurance rate maps" and inserting in place thereof the words, "as a grant to the Town of Salisbury."

SECTION XX Notwithstanding any general or special law to the contrary, the temporary tax amnesty program authorized by Chapter 4, Section 73 of the Acts of 2003 and Chapter 46, Section 113 of the Acts of 2003, which the Town of Salisbury adopted by vote of Town Meeting on October 27, 2003 is hereby extended for the Town of Salisbury until June 30, 2006.

SECTION XX Item 4510-0100 of Section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting at the end thereof the following: provided further, that \$120,000 shall be expended for a study for home and community based services and an economic profile of individuals and families with neurologically and physically disabled adults under 65; and provided further, that said study shall be one-

time in nature and shall not result in any annualization in fiscal year 2007 and is hereby further amended by striking the figure "\$19,537,533" and inserting in place thereof the following:- \$19,657,533.

SECTION XX Item 4800-0038 of said section 2 of said chapter 45 is hereby amended by inserting the following:- Provided further, that not less than \$100,000 shall be expended for the Just-A-Start Teen Living Program and Young Parent's Education Program; and item 4800-0038 is further amended by striking out "\$272,741,996" and inserting in place thereof the following:- \$272,841,996.

SECTION XX Chapter 149 of the Acts of 2004 is hereby amended by striking out section 232 and inserting in place thereof the following section:

Section 232. Section 1A of chapter 152 of the acts of 1997 is hereby amended by inserting after item 1100-7985 the following item:

1599-0018 For a grant to the town of Wakefield for the cleanup of Lake Quannapowitt, its shoreline, bank, buffer zone, and land in the vicinity thereof 500,000

SECTION XX Section 2 of Chapter 45 of the acts of 2005 is hereby amended by inserting after item 7035-0002 the following item:

7035-0004 For a grant to the Greater Lawrence Community Action Council, Inc's Spanish Community Services Program 66,000

SECTION XX Chapter 45 of the acts of 2005 is hereby amended in line item 3000-5000 by adding after the words "general laws" the following:- provided further such funding shall be for Head Start programs that were delivering services in fiscal year 2005 through MA DOE salary enhancement and/or expansion grants; and provided further any increased revenue appropriated in said line item shall be awarded to existing grantees to support the federal state funding match and the continuation of said services.

SECTION XX. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall report to the house and senate committees on ways and means no later than December 15, 2006 on the extent of the damages to public property throughout the commonwealth as the result of severe flooding since the beginning of fiscal year 2006.

SECTION XX. Item 2100-2012 of chapter 236 of the acts of 2002 is hereby amended by deleting at line 29 the words "that \$1,200,000 shall be expended for capital repairs and improvements to the Vietnam Veterans Skating Rink in the town of North Adams" and inserting in place thereof the following: "the department of conservation and recreation is hereby authorized to grant to a lessee procured in accordance with the authorization of section 30 of chapter 88 of the acts of 2001 up to \$900,000 as a reimbursement grant on a \$2 to \$1 ration for every dollar invested by said lessee in improvements and replacements to the skating rink."

SECTION XX Notwithstanding any general or special law to the contrary, the chief justice for administration and management shall report to the house and senate committees on ways and means not later than March 31, 2006 on the cost of reestablishing the trial court child care program.

SECTION XX. Item 4510-0150 of said Section 2 of said Chapter 45 is hereby amended by adding the following:- "provided further, that not less than \$250,000 shall be expended for the Manet Community Health Center in Quincy".

SECTION XX Item 4180-0100 of said section 2 of said chapter 45 is hereby amended by inserting at the end thereof the following:- "and provided further, that \$25,000 shall be expended for maintenance uses at Malone park of the Chelsea Soldiers' Home" and by striking the figure "\$23,600,532" and inserting in place thereof the following "23,625,532".

SECTION XX Notwithstanding any general or special law to the contrary, the state comptroller shall grant a permanent waiver and/or exemption from any and all applicable charges or assessments made against the Natural Heritage and Endangered Species Fund by the Office of the Comptroller pursuant to its authority under chapter 29 of the General Laws; Provided that no waiver and/or exemption shall be granted without the written approval of the secretary of administration and finance.

And move to further amend the bill by inserting at the end thereof the following section:—

SECTION XX. To provide for programs that encourage economic investment in the commonwealth, the sums set forth in this act for the several purposes and subject to the conditions specified in this act are hereby made available subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION XX. The sum set forth in this section shall provide funds for site remediation, preparation and ancillary infrastructure improvement projects in order to improve economic opportunities in the commonwealth.

**EXECUTIVE OFFICE FOR  
ADMINISTRATION AND FINANCE.**

*Office of the Secretary.*

1100-8000	For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program related to site remediation, preparation and ancillary infrastructure improvement projects; provided that the local executive government body and for-profit entity involved in the project shall jointly submit a request for funding to the secretary of economic development. All such requests to the secretary shall include sufficient documentation, including but not limited to, a project plan with specific goals and objectives that fully documents the proposed project and either that (a) the businesses associated with the project will generate substantial sales from outside the Commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in Massachusetts within 24 months upon receipt of a grant and commits that the jobs are to be maintained herein for at least a five year period or (b) documents an economic benefit that the secretary determines is sufficiently exceptional. The secretary shall, not later than December 1, 2006, promulgate regulations or issue guidelines regarding the proposed program described herein; provided further, that annually on or before December 31, the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, which shall include detailed descriptions of any infrastructure improvement projects funded pursuant to this program and all funds expended for this purpose .....	200,000,000
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SECTION XX. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out the provisions of section 2, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, \$200,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Economic Investment Act of 2005, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2030. All interest and payments on

account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION XX. Chapter 7 of the General Laws, is hereby amended by inserting after section 23A the following section:-

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or authority shall when purchasing products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation, prefer products grown in the commonwealth or products produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products.

(b) To effectuate such a preference for such products of agriculture grown or produced using locally grown products, the state purchasing agent responsible for procuring such products on behalf of a state agency or authority shall: (i) in advertising for bids, contracts or otherwise procuring products of agriculture, make reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (ii) purchase such products of agriculture grown or produced using products grown in the commonwealth, unless the price of such goods exceeds, by more than 10 per cent, the price of products of agriculture grown or produced using products grown outside of the commonwealth.

SECTION XX. Section 35J of chapter 10 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words: "Regional Tourism Facility Fund, established pursuant to section 42 of chapter 23G" and inserting in place thereof the following words:- Massachusetts Cultural Facilities Fund.

SECTIONXXX. Chapter 15A of the General Laws is hereby amended by inserting after section 4 the following section:-

Section 4A. Within the board of higher education, there shall be established the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education, hereinafter referred to as the council. The council shall be comprised of the following members: the commissioner of the department of education or his designee; the commissioner of the department of early education and care or his designee; the director of the office of workforce development or his designee; the President of the Massachusetts Teachers Association or a designee; a chief executive officer of a life-science firm; a chief executive officer of a technology firm; a chief executive officer of a health care corporation; a chief executive officer of a consulting engineering firm; a representative of a minority-or-female led firm; the chair of the board of higher education or his designee; a chancellor of a state university or college; a president of a state college or his designee; a president of a community college or his designee; a superintendent of a Massachusetts public school system or his designee; the President of the Technology Education Association of Massachusetts or his designee; the executive director of the Massachusetts Technology Collaborative or his designee; the executive director of the Massachusetts Development Finance Agency or his designee; the president of Associated Industries of Massachusetts or his designee; the president of the Massachusetts Federation of Teachers or his designee; 3 members of the senate, 1 of whom shall serve as co-chair and 1 of whom shall be a member of the minority party; and three members of the house of representatives, 1 of whom shall serve as co-chair and 1 of whom shall be a member of the minority party.

The council shall: (i) annually evaluate and make recommendations to the chancellor of higher education regarding programs supported by the pipeline fund, so-called, as established by section 2MMM of chapter 29; (ii) investigate, study and make recommendations to the general court on maintaining a specialized workforce to support and expand the science, technology, engineering and mathematics sectors in the commonwealth and prepare students for the demands of a knowledge-based economy of the future and attract and retain students entering the science, technology, engineering and mathematics fields of study; (iii) investigate and make recommendations to the chancellor of higher education regarding similar programs throughout the state so as to eliminate duplication and provide for one coordinated, consolidated statewide network of science, technology, engineering and mathematics programs for Massachusetts students; and (iv) investigate and pursue alternative funding services for the advancement of these disciplines. The council shall also investigate the public college and university system, including

community colleges, to determine the feasibility of establishing job training programs specifically geared toward creating science, technology, engineering and mathematics employment opportunities and to identify and establish career ladders within science, technology, engineering and mathematics employment opportunities. The council shall also investigate the impact of changing demographics on the state and make recommendations on ways to incorporate such changes in order to enhance the state's capacity to build a strong and competitive workforce. The council shall submit quarterly reports on the fund's progress and shall, not later than December 31, submit a cumulative annual report, together with any recommendations, to the clerk of the senate, the clerk of the house of representatives, the chair of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on labor and workforce development, the chairs of the joint committee on higher education, and the chairs of the joint committee on education; provided further, that said reports shall include: (i) a list of grant recipients from the pipeline fund; (ii) the amount of each grant; (iii) the amounts of non-state funding credited to the pipeline fund; (iv) the purposes of grants from the pipeline fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the funds; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION XX. Section 2 of chapter 23A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

(h) To increase access to affordable and reliable broadband services across the commonwealth.

SECTION XX. Said chapter 23A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) MOBD shall contain the following 4 divisions: business services, entrepreneurial and small business development, broadband development and manufacturing development. Each division shall be under the charge of a director subject to the direction, control and supervision of the director of economic development. Each director shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the executive director, with the approval of the secretary, and shall serve until so removed. The position of director shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Each director shall devote his full time during business hours to the duties of his office. The MOBD executive director may authorize any director to exercise in his name any power, or to discharge in his name any duty, assigned to him by law, and he may at any time revoke such authority. (b) The function of the director of broadband development created pursuant to subsection (a) shall be to increase the presence of affordable, state-of-the-art broadband access across the commonwealth. The director of broadband development shall, in cooperation with the broadband access oversight council established pursuant to paragraph (b) of section 4F of chapter 40J, develop a state telecommunications plan to ensure extensive broadband access for businesses in every community within the commonwealth. The duties of the director shall include, but not be limited to, the following: (i) identifying communities that lack affordable and competitive broadband service; (ii) identifying areas where, due to geographic remoteness, sparsity of population or other considerations, private-sector capital investment for broadband facilities deployment is not sufficient to meet the present and future needs of the area, and in such areas (a) develop strategies, including but not limited to, public-sector partnerships, including aggregation of demand, as a means to increase the presence of affordable, state-of-the-art broadband access; and (b) facilitate the development of private, joint public-private, or public initiatives which afford open, competitive, content-neutral broadband services accessible via multiple carriers; (iii) examining and identifying the best practices of other states relative to achieving broadband connectivity in underserved areas, including, but not limited to, the creation of public entities to facilitate the introduction of broadband services to underserved areas; (iv) identifying state-of-the-art technologies that are well-suited to bring broadband service into underserved communities; (v) conducting a survey and analysis of all state owned lands to identify specific state lands that, if made available for such purpose, would facilitate the deployment of broadband technologies and services to achieve service in underserved areas; (vi) working in conjunction with the executive office of transportation and construction, the division of capital asset management and maintenance and other appropriate state, regional and municipal agencies, develop a plan to ensure that each state construction project, including but not limited to, buildings, roads and bridges shall include access for broadband infrastructure or enable future deployment of broadband infrastructure, including appropriate design for placement of wires, wireless arrays, and poles and pole attachments; (vii)

investigating the development of wireless broadband systems for downtown areas, commencing with areas of high growth, and working in collaboration with the Massachusetts Technology Collaborative to develop demonstration projects to facilitate wireless access in small-to-mid sized communities; (viii) investigating ways to financially support increased broadband connectivity, including a state universal service fund for said purpose; (ix) examining the feasibility of establishing a universal statewide right of way fee to reduce the time from permit application to local approval, in order to promote broadband facilities deployment; (x) identifying any state law or regulation that hampers the expansion of broadband services or provides unreasonable competitive advantages to regulated, telecommunications carriers or cable operators, including access to, or use of, municipal or other facilities or rights-of-way; (xi) working with the department of telecommunications and energy and other appropriate state agencies and private parties to identify the locations of dark fiber and telecommunications tower access areas owned by telecommunications companies in the commonwealth; (xii) identifying federal regulations and statutes that impede the deployment of broadband facilities and services, and advocating to the United States Congress and the Federal Communications Commission for appropriate amendment of these federal policies; (xiii) taking other actions deemed necessary to fulfill the goal of establishing a competitive broadband market within the commonwealth. The director of broadband development shall work in collaboration with the broadband access oversight council.

Notwithstanding the requirements of subsection (a), the director of broadband development shall have extensive experience in the broadband, telecommunications or data communications industry, including, but not limited to, the utilization of market-based strategies to induce broadband deployment, the creation of public entities to facilitate broadband deployment, and a demonstrated knowledge of state-of-the-art technologies that bring broadband to underserved areas, including, but not limited to, wireless technologies. The director of broadband development shall, no later than December 31, submit an annual report, including any recommendations for legislation, to the director of the department of business and technology, the chairman of department of telecommunications and energy, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on telecommunications, utilities and energy.

SECTION XX. Said chapter 23A is hereby further amended by striking out section 56, as so appearing, and inserting in place thereof the following section:-

Section 56. (a) There shall be within the department of economic development a Massachusetts quasi-public corporation and public purpose agency planning council, hereinafter referred to as the council, which shall not be subject to the control of the department except as provided in this section. The purpose of said council shall be to ensure regular communication and coordination between the quasi-public corporations and public purpose agencies as to their economic development projects, programs and plans. Said council shall consist of the chief executive officers or their designees from each of the following agencies: the executive office of economic development, whose designee shall serve as chair of the council; the office of business and technology; the Commonwealth Corporation; the department of workforce development; the Massachusetts Community Development Finance Corporation; the Massachusetts Development Finance Agency; the Massachusetts Health and Educational Facilities Authority; the Massachusetts Technology Development Corporation; the Massachusetts Technology Park Corporation; the Economic Stabilization Trust; the Massachusetts Port Authority; the office of international trade and investment; the office of travel and tourism; the Massachusetts Business Development Corporation; the University of Massachusetts; the board of higher education; the Massachusetts Workforce Investment Board; and the Massachusetts Small Business Development Center. The chairs of the joint committee on economic development and emerging technologies shall serve as ex-officio advisory members of the council. The council shall meet from time to time, but not less frequently than monthly. The secretary of economic development shall appoint personnel necessary to coordinate the activities of the council and to provide administrative support to the council, as requested. Said agencies shall be required to submit to the department, in a form and manner prescribed by the department, any and all information detailing any debt or equity investment; the nature and amount of any investments; any real estate or working capital loans; any funds or technical assistance provided to businesses; any other forms of financing or financial assistance provided to businesses, students or employees; the number of businesses created or enhanced as a result of such investments or assistance; and the number of jobs created as a result of such investments or assistance. The department shall aggregate all such data and shall, not later than December 31, submit an annual report to the secretary of administration and finance, the house and senate committees on ways and

means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on small business and community development and the joint committee on higher education. The council shall, from time to time, review and determine whether the present quasi-public corporations subject to this section are appropriately serving the goals of the council in establishing and implementing a more coordinated economic development policy. The council shall, in its annual report, make recommendations to the joint committee on economic development and emerging technologies recommending changes to the composition of the council, streamlining agencies on the council through the consolidation or elimination of duplicative services performed by quasi-public agencies, or creating new quasi-public agencies that would serve on said council; provided, however, that the council shall maintain not more than eight regional offices through the expansion of offices already in operation or by establishing new offices. Each such office shall be responsible for the implementation of the coordinated plans, programs and projects in its region of the state.

(b) In order to fully utilize all appropriate measures to provide risk capital to small businesses in the commonwealth the Massachusetts Community Development Finance Corporation, the Commonwealth Corporation, the Massachusetts Development Finance Agency and the Massachusetts Technology Development Corporation shall establish one or more small business investment corporations (sbic) or special small business investment corporations (ssbic) as provided by the Small Businesses Equity Enhancement Act of 1992, Title iv of U.S. Public Law 102-366.

SECTION XX. Section 27 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out, in line 55, the word "sources." and inserting in place thereof the following:- sources; (4) to provide matching grants in the field of marine science technology for Massachusetts companies that receive small business innovation research or small business technology transfer grants from the small business administration. The matching award amount shall be the lesser of \$20,000 or 15 per cent of the small business innovation research or small business technology transfer grant. There shall be a maximum of \$60,000 available per Massachusetts company, including affiliates, per calendar year allocated on a competitive basis, contingent upon the availability of funds. The matching funds shall be used for product development and commercialization.

SECTION XX. Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word "biotechnology," in line 66, the following words:- , marine science technology.

SECTION XX. Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word "loans", in line 75, the following words:- , working capital and contract based loans.

SECTION XX. Section 29A of said chapter 23G, as so appearing, is hereby amended by striking out, in line 67, the figure "\$50,000" and inserting in place thereof the following figure:- \$100,000.

SECTION XX. Said chapter 23G is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. (a) It is in the best public interest of the commonwealth to promote the prosperity and general welfare of all citizens by enhancing the attractiveness of all regions of the commonwealth for cultural activities by partially financing the acquisition, construction, expansion, renovation and repair of cultural facilities that may stimulate further investment in the arts, heritage, entertainment, humanities and interpretive sciences and may result in increased employment or entrepreneurial opportunities for the citizens of the commonwealth or increased tourism to the region where the facility is located, including tourism from outside the commonwealth.

(b)(1) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", the Massachusetts Development Finance Agency.

"Applicant", a cultural organization as defined in this section that has submitted an application for financial assistance from the fund.

"Cultural facility", a building, structure, or site that is, or will be, owned, leased or otherwise used by one or more cultural organizations and that is accessible to the public and exempt from income taxation pursuant

to section 501 (c)(3) of Title 28 of the Internal Revenue code. The term cultural facility may include, but shall not be limited to, museums, historical sites, zoos, aquariums, nature/science centers, theaters, concert halls, exhibition spaces, classrooms, and auditoriums suitable for presentation of performing or visual arts. Public or private institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education and demonstrates financial need; provided, further that any municipally owned building, structure or site which is a minimum of fifty thousand square feet in size and fifty percent or more of which is used as a cultural facility.

"Cultural organization", a nonprofit public or private, civic, educational or professional organization or educational foundation which is primarily concerned with the arts, humanities, interpretive sciences or local arts and which is exempt from income taxation pursuant to section 501 (c)(3) of Title 28 of the Internal Revenue Code. Public or private institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education demonstrates and financial need.

"Director", the executive director of the Massachusetts Development Finance Agency.

"Eligible project", the acquisition, design, construction, repair, renovation, rehabilitation or other capital improvement or deferred maintenance of a cultural facility which furthers the purposes of this section.

"Feasibility and technical assistance grant", a direct grant of monies from the fund subject to matching grant requirements, to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed eligible project; provided, however, that no such grant shall exceed \$50,000. The agency may award a feasibility and technical assistance grant only upon its finding that: (i) if undertaken, the proposed project would qualify as an eligible project; and (ii) there is local support for the proposed project.

"Fund", the Massachusetts Cultural Facilities Fund.

"Grant", a direct grant of monies from the fund to an applicant for payment of the costs of an eligible project, except that the amount of any single grant awarded from the fund shall not exceed \$5,000,000.

"Loan", a direct loan of monies from the fund to an applicant to finance a portion of the cost of an eligible project, except that the amount of any single loan awarded from the fund shall not exceed \$5,000,000.

"Massachusetts Cultural Council", a public instrumentality created pursuant to section 52 of chapter 10 of the General Laws.

"Matching funding", private or public monies donated or appropriated to an eligible project in the proportions to the qualified investment as set forth in subsection (c) No grant shall be made pursuant to this section without the required matching funding.

"Public body", the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision thereof, or any consortium of any contiguous subdivisions and any federal agency.

"Qualified investment", a grant, including a feasibility grant, loan, guarantee or other financing or credit enhancement device provided under said fund for an eligible project.

(2) There is hereby established and placed under the control of the agency the Massachusetts Cultural Facilities Fund, hereinafter referred to as the fund, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund, established pursuant to section 35J of chapter 10, exceed the amounts deposited into said Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received in the prior fiscal year by said Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. In addition to the funds set forth in the preceding sentence, the fund shall be credited, subject to appropriation, in each fiscal year after the first appropriation to the fund, an additional amount not less than the previous fiscal year's appropriation. The fund shall also be credited in each fiscal year, subject to annual appropriation, an amount equal to the funds previously appropriated annually for payment of principal and interest on obligations issued for the rehabilitation, operation and maintenance of the Hynes Convention Center in budget line item 1599-0035, or in no case less than \$13,000,000 per annum. Notwithstanding the foregoing provisions, the fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to said fund. The purpose of said fund shall be to make grants, and loans when appropriate, to finance eligible projects.

Applicants may apply to the fund for a feasibility and technical assistance grant, a grant or a loan for the acquisition, construction, expansion, renovation or repair of cultural, entertainment, public venues or other

commercial facilities, and the agency may make a qualified investment in such a project upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; and (v) there is local support for the project. The agency shall hold said fund in a separate account, segregated from all other agency funds.

Except as hereinafter provided, the agency may invest and reinvest said fund and the income thereon (i) in the making of qualified investments; (ii) in the investment of funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for the payment of binding obligations associated with the qualified investments which are secured by said fund as the same become payable; (iv) for the payment of principal and interest on qualified investments secured by said fund or the payments of any redemption premium required to be paid when such obligations are redeemed prior to maturity; and (v) the reasonable costs of administering the fund; provided said administrative costs shall not exceed 7.5 per cent of the total loans or grants made annually.

(3) To the extent feasible, the agency may issue bonds on behalf of the fund. Bond proceeds shall be used for the purposes authorized by this section. Said bonds shall be issued as "revenue" bonds and shall be recourse only to the funds appropriated or otherwise contributed under this section and such reserve funds as may be expressly created to guarantee the same. Such bonds shall not be general obligations of either the agency or the commonwealth. Bonds issued in furtherance of this section, if any, shall not be subject to or, otherwise included in, the principal amount of debt obligations issued under section 29.

(4) The agency shall adopt by-laws or rules necessary to establish a minimum reserve to be maintained by the fund for the purpose of ensuring the fulfillment of any obligations incurred as a result of any bonds issued by the agency on behalf of the fund. No qualified investment may be made where said expenditure would reduce the fund's assets to an amount below the minimum reserve.

(5) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs and expenses incurred in any fiscal year associated with its bond issuance, administration, management and operation of the fund, including reasonable staff time and out-of-pocket expenses and the reasonable and approved administrative costs incurred by the Massachusetts Cultural Council or such other qualified organization which the agency may contract for services. The agency is authorized to establish a minimum reserve, in addition to such reserve established pursuant to subsection (2), to be maintained by the fund for the purpose of ensuring the satisfaction of the agency's and its agents' administrative costs.

(c) The fund may make qualified investments in eligible projects. The fund may make grants to applicants for eligible projects; provided, however, that the amount of any single grant, other than a feasibility and technical assistance grant awarded from the fund, shall not exceed \$5,000,000 per annum; provided, further, that grants for a total value:-

(i), less than \$1,000,000 shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant;

(ii) in excess of \$1,000,000 and less than \$2,500,000 shall be subject to a matching funding requirement of at least twice the amount of the grant;

(iii) in excess of \$2,500,000 but less than \$4,000,000 shall be subject to a matching funding requirement of at least three times the amount of the grant;

(iv) in excess of \$4,000,000 and not more than \$5,000,000 shall be subject to a matching funding requirement of at least four times the amount of the grant.

Notwithstanding any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, whenever ownership of any property which was acquired or improved with a grant from the fund, is transferred to a for-profit entity, or to an unrelated non-profit entity which ceases operating the property as a cultural facility, the full amount of such grant shall be repaid immediately to the fund. The agency may take a security interest or such other interest in the eligible project as may be necessary to secure its potential repayment rights.

(d) Notwithstanding any general or special law to the contrary, the agency shall enter into a contract with the Massachusetts Cultural Council or another qualified organization to manage some or all of the grant administration process on behalf of the agency; provided, however, that the agency may only enter into a contract with another qualified organization to manage some or all of the grant administration process should the Massachusetts Cultural Council fail to adequately perform its duties under a duly executed contract, cease to exist, or for just cause; provided further, that should the agency enter into a contract with another qualified organization, the agency shall submit, in writing, the reasons for the termination of its

contract with the Massachusetts Cultural Council to the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. A contract executed pursuant to this section shall include, but not be limited to, proposing rules and guidelines for the fund, providing technical assistance to potential applicants, reviewing and evaluating applications and providing findings and recommendations to the committee as to which grant applications should be approved and awarded and which should be denied. The agency shall establish rules relative to the fund, with the advice of the committee. Copies of said rules, and any modifications or amendments thereto, shall be delivered to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on tourism, arts, and cultural development.

(e) The agency shall annually, not later than December 31, submit a report on the fund's progress to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on tourism, arts and cultural development. Said annual report shall include: (i) a list of grant or loan recipients from the fund; (ii) the associated amounts received by each recipient; (iii) the amount of non-state funding leveraged by the fund; (iv) the purpose of the grants or loans from the fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the fund; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION XX. Said chapter 23G, as so appearing, is hereby further amended by striking out section 43, and inserting in place thereof the following section:-

There shall be established a cultural facilities fund advisory committee, in this section called the committee. The functions of the committee shall be strictly advisory to the Agency in connection with the management and operation of the Massachusetts Cultural Facilities Fund. The committee shall be comprised of the following members: the director of the Massachusetts Cultural Council or his designee; the director of the Office of Travel and Tourism or his designee; and the Director of the Agency or his designee; and six members to be appointed by the Governor, one of whom shall have expertise in fundraising; one of whom shall have expertise in finance; and one of whom shall have expertise in construction; provided further, in appointing members, the governor shall ensure that each of the following geographic regions of the commonwealth shall be represented: the central area, the greater Boston area, the MetroWest area, the northeast area, the southeast area and the western area. Members shall be appointed for a term of five years, may be reappointed, and shall serve without compensation, but may be reimbursed from the fund for ordinary and reasonable in-state travel expenses. The committee may meet as often as the members may determine, but shall meet at least bi-annually or at such other intervals as may be established by the Agency in order to review recommendations made by the Massachusetts Cultural Council, or such other qualified organization with which the agency contracts, with respect to the fund and to make any advisory recommendations with respect thereto to the Agency. The provisions of subsections (d), (f) to (i), inclusive, and subsection (1) of section 2 of this chapter shall apply to the members and affairs of the committee. All applications for grants or loans recommended by the Massachusetts Cultural Council, or other such organization with whom the Agency may contract, shall be reviewed by the committee. The committee shall then issue findings and recommendations to the Agency as to which applications should be approved. Only those applications that are recommended by the committee for approval shall be considered by the Agency's board of directors for final approval. If the Agency's board of directors votes to deny any recommended approval the Agency shall, within 30 days of such action, provide the applicant with a written explanation for such denial.

SECTION XX. Section 11F of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out, in lines 26 to 27, inclusive, the words "naturally flowing water and hydroelectric" and inserting in place thereof the following words:- naturally flowing water and run-of-the-river hydroelectric units located in the commonwealth and operating under the jurisdiction of the Federal Energy Regulatory Commission, provided that such facility is a vintage generation unit as that term is defined by the division, has a generating capacity of not more than five megawatts and does not utilize a dam constructed subsequent to December 31, 1997.

SECTION XX. Said section 11F of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 33, the words "clauses (vi) and (vii) herein." And inserting at the end thereof the following words:- clause (vi) herein; provided, however, that notwithstanding the provisions of subsection (a) the division shall on an annual basis determine the actual percentage of kilowatts generated in the commonwealth by naturally flowing water and run of the river hydroelectric facilities and adjust the minimum percentage of kilowatt hours sales to end use customers in the commonwealth from new renewable generating sources accordingly.

SECTION XX. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Consolidated net surplus in the budgetary funds" the following definition:-

"Council", the Robert H. Goddard council on Science, Technology, Engineering and Mathematics Education established pursuant to section 4A of chapter 15A.

SECTION XX. Said chapter 29, as so appearing, is hereby further amended by striking out section 2SS and inserting in place thereof the following section:-

Section 2SS. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Competitiveness Trust Fund, hereinafter called the fund. The fund shall be administered by the department of workforce development which shall contract with the commonwealth corporation to administer the fund. The objectives of the fund shall include, but shall not be limited to, the following: supporting, in conjunction with other private, public and philanthropic resources, the development and implementation of employer and worker responsive programs to enhance worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low income individuals and low wage workers; improving wages to a level sufficient to support a family or place individuals on a career path leading to such employment and wages; training vulnerable youth to master basic academic skills including the attainment of a high school degree and encouraging students to advance educationally and receive post-secondary degrees at colleges or post-secondary vocational schools, or beyond; developing occupational skills, and becoming employed in jobs that have career potential; and training older workers for new occupations. The department of workforce development shall utilize these projects to improve the workforce development system by integrating employer and worker needs more fully in program design and delivery, and shall support, through grants, partnership programs and planning, grant applications from the following eligible applicants to provide an integrated continuum of education and training: employers and employer associations; local workforce investment boards; labor organizations; community based organizations, including adult basic education providers; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and non-profit education, training or other service providers.

The fund shall leverage employer, public, philanthropic and other contributions, and shall be available as a state match for federal funds that meet the requirements of the fund. The fund shall be an expendable trust fund and not subject to appropriation. Grants from the fund shall be offered on a competitive basis for a maximum of 3 years, and shall not exceed \$500,000.

(b) The director of the office of workforce development shall appoint an advisory committee, hereinafter referred to as the committee. Said committee shall represent significant constituencies and beneficiaries of the fund, including, but not limited to, high growth or critical industries; the workforce development system; public education; adult basic education; the department of transitional assistance; public higher education; labor; community based organizations and non-profit education, training or other service providers; and advocates of customer populations including representatives of education, training and the one-stop career center provider coalitions, including a minimum of 2 labor representatives selected by the President of the Massachusetts AFL-CIO, and 2 representatives of the Massachusetts Workforce Board Association. The director of the office of workforce development shall serve as chair of the committee. The committee shall supply constituent focused labor market information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the fund's efficiency and effectiveness and the dissemination of relevant information about the fund, and support the general oversight of the fund's implementation. The committee shall meet from time to time, but not less frequently than quarterly.

(c) The commonwealth corporation shall be the administrator of the fund, and shall maintain the fund as a separate fund, and shall cause it to be audited by an independent accountant on an annual basis in accordance with generally accepted accounting principles.

(d) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets, and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(e) Partnership programs may include costs for support services including, but not limited to, transportation and childcare, to eliminate barriers to participation in the training program. For any unionized employer participating as a partner in a grant application, the impacted union must be an active participant in the design and implementation of the grant.

(f) A competitive grant program shall be established that provides support to partnerships and eligible applicants as described above, and that leverages applicant co-investment of at least 30 per cent of the grant amount, from employers, philanthropic, and public or private organizations. The period of grant operations may be up to 3 years in duration. Grants may be targeted to specific populations, such as educationally or economically disadvantaged youth, low-income, low-skilled and low-wage workers, disabled citizens, or industries that are deemed to be of critical consequence to the commonwealth. Special grant programs and funding allocations will be determined by the committee and shall be distributed via a regionally-based competitive bid process, which will require the defining of economic regions of the Commonwealth based on labor market factors as determined by the committee. Every municipality in the commonwealth shall be accounted for in a designated region. A formula for regional distribution shall be created, and competition for formula grant funds shall occur within each identified region, and shall be subject to the rules and regulations established by the committee in consultation with regional partners. Respondents to the local competitions must notify, in writing, the region's workforce investment board of their intent to respond to this request for proposals. A planning grant may be offered to define employer needs; to make necessary curriculum and other programmatic improvements to align with employer and worker needs; to determine the feasibility of a proposed workforce development intervention; to plan for, and coordinate strong partnerships among stakeholders; to identify educational and skill needs of workers and program participants; to link training initiatives with employer-based career ladders; and to develop case management and additional support services that would address barriers to participation.

(g) A portion of the grant fund shall be used to support the current and future labor force needs of the Commonwealth's healthcare industry. This portion of the fund shall support projects that address barriers and gaps in the healthcare workforce development pipeline. Small planning and needs assessment grants may be offered. A project grant program will be designed by commonwealth corporation in consultation with a Healthcare subcommittee of the fund committee, which shall include at a minimum appointments made by the following organizations: the Massachusetts Hospital Association; the Massachusetts Extended Care Federation; the Home and Health Care Association of Massachusetts; the Massachusetts Workforce Board Association; and the Massachusetts AFL-CIO, as well as representatives of the other mandatory advisory committee constituencies.

(h) A portion of the grant fund shall be used to support the current and future labor force needs of the Commonwealth's travel and tourism industry. This portion of the grant fund shall be used to support the development of career ladder and wage improvement strategies, including employee ownership and profit-sharing strategies, within Massachusetts' travel and tourism industry. Small planning and needs assessment grants may be offered. A project grant program will be designed by commonwealth corporation in consultation with the Travel and Tourism Advisory Committee, which must include the primary industry associations that represent the industry in Massachusetts, or in their absence, a cohort of relevant industry employers, as well as representatives of the other mandatory advisory committee constituencies.

(i) Project grants shall be for a maximum of 3 years, competitively based and shall not exceed \$500,000. The committee shall determine how to apportion the grant fund between the healthcare industry, the travel and tourism industry and the general grant program; provided, however, that no more than 7.5 percent of the funds appropriated herein may be expended for the administration of each grant.

(j) The director of the department of workforce development shall annually, not later than December 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on community development and small business, the joint committee on education, arts and humanities, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development, and the joint committee on public health on the status of

grants awarded under this section, including the number of educational and eligible service providers receiving grants; the number of participants receiving services; the number of participants placed in employment; the salary and benefits that participants receive post placement; the cost per participant; and job retention or promotion rates one-year after training ends.

(k) The establishment of the Workforce Competitiveness Trust Fund, or any other worker training fund, shall not be determined to replace, displace or serve as a substitute for the Workforce Training Fund as established by section 2RR.

SECTION XX. Said chapter 29 is hereby further amended by striking out section 2MMM, as appearing in the 2004 Official Edition and inserting in place thereof the following section:-

Section 2MMM. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund, hereinafter referred to as the Pipeline Fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, and any additional funds designated by the corporation for deposit to the Pipeline Fund, including any pension funds, federal grants or loans, or private donations made available to the chancellor of higher education for the purpose of deposit into the fund. The board of higher education shall hold the Pipeline Fund in an account or accounts separate from other funds or accounts. Amounts credited to the pipeline fund shall be used by the chancellor of higher education, in consultation with the Massachusetts Development Finance Agency, the Massachusetts Technology Park Corporation and the Robert H. Goddard Council on Science, Technology Engineering, and Mathematics Education, established pursuant to section 4A of chapter 15A.

(b) The public purpose of the Pipeline Fund shall be to increase the number of Massachusetts students who participate in programs that support careers in fields related to science, technology, engineering and mathematics. In furtherance of this public purpose, and in a manner consistent with the recommendations of the council, the chancellor of higher education, in consultation with the commissioner of the department of education and the president of the University of Massachusetts, shall employ the pipeline fund through grants and other disbursements and activities that are calculated to increase the number of qualified science, technology, engineering and mathematics teachers in the commonwealth and to improve the science, technology, engineering and mathematics educational offerings available in public and private schools. The grants and other disbursements and activities may involve, without limitation, the University of Massachusetts, state and community colleges, business and industry partnerships, workforce investment boards, private colleges and universities, and public and private school districts to further the purposes of the pipeline fund. The grants and other disbursements and activities may support, without limitation: (i) the development and use of innovative curricula, courses and programs in science, technology, engineering and mathematics for new teachers and in-service teachers that provide appropriate science, technology, engineering and mathematics content, and instruction in innovative ways to teach science, technology, engineering and mathematics, including but not limited to, the use of hands on, experimental learning and e-learning, that are consistent with the Massachusetts standards and curriculum frameworks established pursuant to sections 1D and 1E of chapter 69; (ii) the development of a science, technology, engineering and mathematics network to create, implement, share and make broadly and publicly available the best practices and innovative programs relative to science, technology, engineering and mathematics instruction and expanding and maintaining student interest in science, technology, engineering and mathematics studies and careers; (iii) effective ways to teach science, technology, engineering and mathematics; and (iv) give priority to grants that provide effective course and curricula for in-service teachers in low income schools or school districts; provided further, that not more than 20 per cent of the fund may be awarded to any 1 single institution.

(c) The board of higher education shall, in consultation with the council, promulgate policies, rules and regulations for the administration and implementation of subsections (a) and (b). The chancellor of higher education shall file any such policies, rules, and regulations with the joint committee on education, arts, and humanities, the joint committee on higher education, the joint committee economic development and emerging technologies, and the joint committee on labor and workforce development for review and comment at least 30 days before the effective date of the policies, rules, or regulations.

(d) The chancellor of higher education shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education, and the joint committee on higher education on the following: (i) a list of grant recipients, (ii) the associated grant amounts, (iii) the

amounts of non-state funding leveraged as a result of the grants, (iv) the purposes of the grants, (v) an annual statement of cash inflows and outflows detailing the sources and uses of funds, (vi) a forecast of future payments based on current binding obligations, and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION XX. Said chapter 29 is hereby further amended by inserting after section 2NNN the following section:-

Section 2000. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Educational Rewards Grant Program Fund, hereinafter referred to as the fund. The fund shall provide grants to students in accredited post-secondary certificate or vocational technology programs or associate degree programs in targeted high-demand occupations. The department of workforce development and the board of higher education in consultation with the Massachusetts Workforce Board Association, the state workforce investment board, the reach higher initiative and the workforce accountability task force shall determine the eligible high demand occupations. If a Bachelor's degree program is needed for a profession in critical demand, it may be added to the eligible programs. Of the appropriation for grants, up to 1/3 may be used for students enrolled as full-time students and at least 2/3 of the total grant amount shall be reserved for students enrolled 1/2 time or less. Grant recipients shall be limited to dislocated workers or those with incomes at or below 200 per cent of the federal poverty level or other standards or criterion as may be established by the department and the board of higher education in consultation with the workforce accountability task force. Grants from the program fund shall be a maximum of \$3,000 and shall be used to fund tuition, fees, and books; provided, however, that up to 30 per cent of the grant amount may be applied to fund living expenses. The grant program shall serve as a last resort, after other federal and state grants have been exhausted. The department of workforce development and the board of higher education shall jointly administer the grant program.

SECTION XX. Section 1G of chapter 15 of the General Laws, as so appearing, is hereby amended by inserting after line 31, the following:-

"The Commissioner of Education, in consultation with the Chairman of the Board of Higher Education, shall direct the global education advisory council to explore international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers.

Said global education advisory council shall:

- (a) Investigate and compile information concerning international education programs and opportunities. The council shall make recommendations to the commissioner on the expansion of international education programs and opportunities and shall consider ways to encourage participation in such programs. The council shall advise the Department of Education and the joint committee on education on international program opportunities and the availability of federal or nonprofit agency grants or other funding sources for such programs. The department shall provide information on international education opportunities to local and regional boards of education and to institutions of higher education.;
- (b) Develop guidelines and standards to aid local and regional school districts in the establishment of programs of international studies. Such guidelines and standards shall describe the essential components of a quality educational program incorporating international education concepts. The council shall submit such guidelines and standards to the Department of Education for review and approval;
- (c) Develop criteria for what constitutes a sister school partnership program between a public school of this state and a foreign school. Such criteria shall provide a process for recognition of such partnership. The council shall submit such criteria to the Department of Education for review and approval;
- (d) Advise the Department of Education on possible incentives to encourage the formation of partnerships that meet criteria established in accordance with the provisions of subsection (c) of this subsection. Such incentives may include, but need not be limited to, cooperation between sister partnership schools in teacher certification, student assessment programs and recognition of student course credit, participation in summer programs and in other areas where the state could recognize the value of the sister school partnership relationships with minimal cost.
- (e) Conduct an assessment of current practices regarding international education in elementary and secondary public schools in the Commonwealth. The global education advisory council's assessment of current practices shall include, but not be limited to, information gathering through public hearings."

SECTION XX. Chapter 15 of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following new section:-

"Section 66. The Department of Education may recognize a school that meets the standards for international education programs developed by the global education advisory council.

The Commissioner of Education shall, annually, subject to appropriation, award grants not to exceed ten thousand dollars to local or regional school districts which operate schools recognized pursuant this section. Such board shall use the funds to support the international education programs at such schools.

The Department of Education may recognize sister school partnership programs between public schools of the Commonwealth and foreign. Within available appropriations, participation in such partnership shall allow the foreign school access to state programs of professional development and technical assistance programs under the same terms and conditions as for public schools of this state with reciprocity for participation in such programs.

It shall be the policy of the Commonwealth to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries.

State agencies, including the educational institutions, may exchange a limited number of professional personnel and students with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to the exchanges. The authorized exchange of personnel and students need not be parallel and simultaneous nor specific with regard to the assignment of persons between institutions. If a vacancy exists on the staff of any state agency, including the educational institutions, because a leave of absence without pay has been granted, such agency may engage the services of professional personnel of other countries, and may pay such personnel so engaged from the funds which otherwise would have been paid to such staff members on leave of absence without pay."

SECTION XX. Chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after Section 12XX, the following new section:-

Section 12YY. The Governor shall proclaim the third week of November of each year, or such other week if in conjunction with a federally recognized international education week, to be "International Education Week" for the purpose of encouraging schools to participate in programs of international education.

SECTION XX. There is herein established an international education and foreign language grant program fund. Hereinafter referred to as the international education fund. The international education fund shall be administered by the commissioner of education, the chairman of the board of higher education and the global education advisory council, provided that said funding be spent in elementary and secondary schools to establish foreign language and two-way bi-lingual classes, teacher training, and curriculum development to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and including the awarding of grants to local or regional school districts that use the funds to support international education programs and promote the study of foreign languages.

SECTION XX. Section 1 of chapter 30A of the General Laws, as so appearing, is hereby amended by striking out paragraph (6) and inserting in place thereof the following paragraphs:-

(6) "Regulatory impact statement" means a statement by the promulgating authority which shall, to a reasonable degree of completeness: (i) identify the statutory change, problem, issue or deficiency addressed by the proposed regulation; (ii) identify specifically who is affected and to what extent by the proposed regulation; (iii) identify when such regulation becomes effective, when such regulation will be changed, if known, and how and when the regulation will be reviewed in the future, if at all; (iv) identify costs and/or benefits, including, without limitation, impacts on businesses and jobs in the commonwealth and the impact to the protection of natural resources and public health, if any. Any data, including written information or material, statistics, measurements, calculations or other information used as the basis for the regulation, including any such information provided to the agency by a consultant, vendor or other third party, shall be part of the record and available to the public upon request.

SECTION XX. Section 2 of said chapter 30A, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

Every agency promulgating rules and regulations shall maintain a notification list of persons and groups who are interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, with such request being renewed annually by said persons or groups. Not later than 30 days prior to the notice of a hearing described above, the agency conducting the hearing shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule issuing agency, to the house and senate committees on ways and means and to the small business advisory council. The preliminary notification of rulemaking shall: (a) identify the rule to be noticed for hearing and the scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person within the agency responsible for the rulemaking and who can be contacted for more information; and (d) state the purpose for proposing the new regulations or change of regulation and generally, the goal or goals to be obtained.

SECTION XX Said section 2 of said chapter 30A, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:-

Agencies may initiate emergency regulatory actions under relevant sections of this chapter without prior compliance with sections 1, 2, 3, and 5; provided, however that compliance shall be initiated as soon as practicable following the emergency action and, in any event, prior to making any emergency action permanent.

SECTION XX. Section 3 of said chapter 30A, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

Every agency promulgating rules and regulations shall maintain a notification list of persons and groups interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, with such request being renewed annually by said persons and groups. Not later than 30 days prior to the notice described above the agency shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of agency rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule issuing agency, to the house and senate committees on ways and means and to the small business advisory council. The preliminary notification shall: (a) identify the rule to be noticed and the scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person within the agency responsible for the rulemaking and who can be contacted for further information; and (d) state the purpose for proposing the new regulations or change of regulation and generally, the goal or goals to be obtained.

SECTION XX Section 5 of said chapter 30A, as so appearing, is hereby amended by striking the first sentence of the second paragraph and inserting in place thereof the following:-

No rule or regulation so filed with the state secretary, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the department of telecommunications and energy or the division of insurance, shall become effective until a regulatory impact statement has been completed, made public during the hearing process described above and is filed with the state secretary. The secretary of the enforcing agency shall review all regulatory impact statements prior to their filing with the state secretary to ensure and certify that a proper methodology and approach was used by the agency submitting said impact statement and to certify that the impact statement as submitted complies with the definition of "regulatory impact statement" as set forth in section 1 of chapter 30A within 90 days of receipt. In addition, no rule or regulation so filed, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the department of telecommunications and energy or the division of insurance, shall become effective until the promulgating agency has filed with the state secretary a statement verifying that said rule or regulation does not conflict with, overlap or duplicate other agencies' rules or regulations.

SECTION XX Section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the word "to", in line 1, the following words:- this section and.

SECTION XX . Said section 4 of said chapter 30B, as so appearing, is hereby further amended by adding the following paragraph:-

(d) A procurement officer may award a contract valued at less than \$25,000 for the procurement of products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats and crops horticultural products or products processed into value added products as part of a Massachusetts farm operation, that are grown or produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products, without seeking quotations as required under paragraph (a), provided, however, that the officer shall follow generally accepted business practices.

SECTION XX Said chapter 30B, is hereby further amended by adding the following two sections:-

Section 20. (a) Notwithstanding the provisions of any general or special law to the contrary, and to the extent permitted by federal law, a governmental body may, by a majority vote, establish a preference for products of agriculture as defined in section 1A of chapter 128, including but not limited to fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation as well as fish, seafood, and other aquatic products.

(b) Wherever a governmental body by a majority vote establishes a preference for the procurement of such products of agriculture grown or produced using products grown in the commonwealth, the procurement officer responsible for procuring agricultural products on behalf of said governmental body shall effectuate such preference in (i) advertising for bids, contracts, or otherwise, and making reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (ii) purchasing such products of agriculture grown or produced using products grown in the commonwealth, unless the price of such goods exceeds, by more than 10 per cent, the price of agricultural products grown or produced outside of the commonwealth.

Section 21. The general court finds and declares that:-

(a) only the general court has the authority to agree to bind the commonwealth to the rules of an international trade agreement, or to give consent to the federal government for the commonwealth to be bound to such an agreement;

(b) the commonwealth will not consent to be bound by the government procurement, services, or investment rules of any international trade or investment agreement, or any other provisions of international trade agreement which affect existing state laws or regulatory authority reserved to the commonwealth absent a specific, explicit act of the general court authorizing such consent;

(c) two state legislative points of contact shall be appointed at the beginning of each legislative session; one by the president of the senate, and 1 by the speaker of the house of representatives. The purposes of these contacts is to: (i) serve as the commonwealth's official legislative liaisons with the federal government on trade-related matters; (ii) serve as the designated recipients of federal requests for the commonwealth to agree to be bound by investment, procurement, services or other provisions of international trade agreements which encroach on state law or regulatory authority reserved to the commonwealth; and (iii) inform all members of the general court on a regular basis about ongoing trade negotiations and dispute settlement proceedings with implications for existing state laws or state regulatory authority more generally;

(d) any requests from the United States Trade Representative seeking the commonwealth's consent to be bound by future international trade agreements shall be received by the state legislative points of contact. Said points of contact shall immediately refer the request to the clerk of the house and the clerk of the senate who shall promptly refer the matter to the appropriate legislative committee;

(e) the committee having jurisdiction shall draft a resolution granting or disallowing consent and shall report it to the general court no later than 30 days after receipt. A public hearing shall occur before the general court votes on the request. The state legislative points of contact shall immediately notify the United States Trade Representative of the outcome of any legislative action.

SECTION XX. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for, the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture; nor prohibit, unreasonably regulate, or require a special permit for the use, expansion, reconstruction or construction of

structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture, including those facilities for the sale of produce, wine and dairy products; provided that either during the months of June, July, August, and September of every year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture, whether by the owner or lessee of the land on which the facility is located or by another; except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel. No zoning ordinance or bylaw shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law. For the purposes of this section, the term agriculture shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

SECTION XX. Section 4F of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) There shall be a broadband access oversight council within the Massachusetts Technology Park Corporation for the purpose of increasing broadband services in underserved communities. The council shall be comprised of 12 members, 1 of whom shall be designated by the Franklin-Hampshire Connect; 1 of whom shall be designated by the Berkshire Connect; 1 of whom shall be designated by the Massachusetts Association of Regional Planning Agencies; 1 of whom shall be designated by the Massachusetts Municipal Association; 1 of whom shall be the secretary of economic affairs; 1 of whom shall be the chairman of the commonwealth development council; 1 of whom shall be the chairman of the department of telecommunications and energy; and 5 of whom shall be appointed by the governor, 1 of whom shall be a representative from the telecommunications industry; 1 of whom shall be a representative from the cable television telecommunications industry; 1 of whom shall be a representative of a small-to-medium sized local exchange carrier; 1 of whom shall have expertise in state and federal law concerning telecommunications technology; and 1 of whom shall be a member of the public. The council shall develop and recommend short and long-term strategies to achieve broadband expansion in every community in the commonwealth. Specifically, the council shall: (i) identify communities that lack broadband service and leverage the telecommunications purchasing power of the commonwealth and the private sector to bring broadband service to every community in the commonwealth; (ii) identify appropriate technologies and strategies to bring broadband service into underserved communities; (iii) identify specific state properties that, if made available, would facilitate the deployment of these technologies to achieve service in underserved areas; (iv) identify technologies to create wireless downtowns, so-called, as a means of promoting economic development; (v) investigate new technologies in order to ensure that Massachusetts is a leader in the adoption of telecommunications technologies; and (vi) take other action considered necessary to fulfill the goal of broadband marketplace choice in underserved communities. The council shall annually submit any recommendations and make periodic reports on progress being made towards achieving these objectives to the department of business and technology, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on telecommunication, utilities and energy.

SECTION XX. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "corporation", in lines 247, 249 the first time it appears, in line 269, and in line 270, the following words:- or a domestic research and development corporation.

SECTION XX. Paragraph (3) of clause Sixteenth of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:- This clause, as it applies to a domestic research and development corporation as defined in section 38C of chapter 63 or a foreign research and development

corporation as defined in section 42B of said chapter 63, shall take effect upon its acceptance by any city or town.

SECTION XX. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting in after the word "manufacturing", in lines 285, 288 and in line 292, the following words:- or research and development.

SECTION XX. Paragraph (1) of subsection j of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A taxpayer or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2010 and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated pursuant thereto which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2012 for any property it owns or leases for business purposes and which is located within an economically distressed area as defined in section 2 of chapter 21E. Such costs shall not be less than 15 per cent of the assessed value of the property prior to remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer or non-profit organization who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a taxpayer that is an eligible person, as defined by section 2 of chapter 21E, and not subject to any enforcement action brought pursuant to chapter 21E shall be allowed a credit.

SECTION XX. Said subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following paragraph:-

(5) All or any portion of tax credits issued in accordance with the provisions of this subsection may be transferred, sold, or assigned to taxpayers or non-profit organizations eligible pursuant to the provisions of paragraph (1). A taxpayer or nonprofit organization desiring to make a transfer, sale, or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale, or assignment of Massachusetts environmental response action tax credit is eligible. The taxpayer or non-profit organization shall provide to the commissioner appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response action tax credit reflecting the amount of the tax credit received, a copy of which shall be attached by the party receiving the environmental response action tax credit to each tax return in which the tax credits are used.

(6) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means the chairs of the joint committee on community development and small businesses and the chairs of the joint committee on economic development and emerging technologies, identifying the total amount of tax credits claimed pursuant to this subsection and the total amount of tax credits transferred, sold, or assigned pursuant to paragraph (5) for the preceding fiscal year.

SECTION XX. Said chapter 62 is hereby further amended by inserting after section 6 the following section:-

Section 61/2. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Department", the department of revenue.

"Medical device", an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary, or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of any its primary intended purposes.

"Medical device company", a sole proprietorship, partnership, limited liability company, corporate trust, corporation or other business (i) the income of which is taxed directly to such business or its owners under this chapter; and (ii) that has a facility located in the commonwealth which develops or manufactures medical devices.

"Medical device tax credit", the tax credit established pursuant to this section that a medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

"User fees", the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for pre-market approval to market new technologies developed or manufactured in the commonwealth, or for a 510(k) clearance to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against any tax liability imposed pursuant to this chapter, an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies.

Said private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department, on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount equal to at least 75 per cent of the medical device tax credit amounts eligible to transfer.

The department shall review such application and if the proposed transfer meets the requirements set forth herein, it shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its tax liability pursuant to this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which the benefits will be deemed to have expired. The purchasing company may not use the medical device tax credit amounts to reduce the income tax to less than the amount due under section 4. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner is hereby authorized and directed to promulgate rules and regulations relative to the administration and enforcement of this section.

SECTION X. Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Code" the following definition:-

"Materialman", any person primarily engaged in selling building material, tools, and equipment for the improvement of real property and authorized by law to file a mechanics lien upon real property for improvements related thereto.

SECTION XX. Subsection (h) of section 16 of said chapter 62C, as so appearing, is hereby amended by adding the following two sentences:- A materialman shall file a return with the commissioner each month. Each such return shall be filed within 50 days after the expiration of the period covered thereby.

SECTION XX. Subparagraph (i) of paragraph (1) of subsection (b) of section 6J of said chapter 62, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2005, and ending December 31, 2010, under this section together with section 38R of chapter 63, an amount not to exceed \$50,000,000 per year.

SECTION XX. Section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word "manufacturing", in lines 4, 14, 26, 37, 40, 55, 70, 76, 91, 99, 108, and 113, the following words: "or marine science technology.

SECTION XX. Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Local jobs created" the following definition:-  
"Marine science technology company," a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of such products for a marine science technology company.

SECTION XX. Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word "respectively", in line 68, the following words:- or direct manufacturing or professional services performed by an employee of a marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting.

SECTION XX. Chapter 63 of the General Laws is hereby amended by inserting after section 31K the following section:-

Section 31L. (a) As used in this section the following words shall, unless the context otherwise requires, have the following meanings:-

"Department", the department of revenue.

"Medical device", an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary, or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of any its primary intended purposes.

"Medical device company", (1) a domestic corporation organized under or subject to chapter 156B or chapter 156D, (2) a limited liability company organized under chapter 156C and otherwise subject to this chapter, or (3) a corporation, organization or association, established, organized or chartered under the laws other than those of the commonwealth and otherwise subject to this chapter, and in each case which has a usual place of business within the commonwealth wherein medical devices are developed or manufactured.

"Medical device tax credit", the tax credit established pursuant to this section that the medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

"User fees", the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for a pre-market approval to market new technologies developed or manufactured in the commonwealth, or for a 510(k) clearance to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against the tax liability imposed under this chapter, an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies.

Said private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the

construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department, on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount at least equal to 75 per cent of the medical device tax credit amounts eligible to transfer. The department shall review such application and, if the proposed transfer meets the requirements set forth in this section, it shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its excise under this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which the credits will be deemed to have expired. The purchasing company may not use the medical device tax credit amounts to reduce the excise to less than the amount due under subsection (b) of section 32, or subsection (b) of section 39. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner is hereby authorized and directed to promulgate rules and regulations relative to the administration and enforcement of this section.

SECTION XX. The definition of "Manufacturing corporation" of paragraph (1) of the sixth paragraph of section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following:- Any operation manufacturing value-added agricultural products shall be considered a manufacturing corporation.

"Value-added agricultural products" shall be defined as any products of "farming" or "agriculture", as defined in section 1A of chapter 128, that have increased in market value due to some process other than packaging. Value-added agricultural products shall include, but not be limited to, the following: cheese, butter, buttermilk, yogurt, cream, ice cream, fruit preserves, fruit juices, fruit sauces, fruit syrups, dried fruit, seeded fruits, peeled or chopped fruit and vegetables, processed fruit and vegetables, salads, maple syrup, maple candy, honey and all apicultural products, horticulture nursery and greenhouse products, topiary plants, bacon, sausage, lard, dried or smoked meat, and wool as well as fish, seafood, and other aquatic products.

SECTION XX. Said section 38 of chapter 63, as so appearing, is hereby further amended by striking out, in line 309, the word "five" and inserting in place thereof the following figure:- 6.

SECTION XX. Paragraph (1) of subsection (1) of the sixth paragraph of said section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following clause:-

6. The corporation's annual gross receipts from the sale of value-added agricultural products generates are over \$500.00.

SECTION XX. Said chapter 63 is hereby further amended by striking out section 38C, as so appearing, and inserting in place thereof the following section:-

Section 38C. A corporation organized under, or otherwise subject to chapter 156B, and a limited liability company organized under chapter 156C which is not classified as a partnership and has elected to be taxed as a corporation separate from its members for federal income tax purposes which is engaged in manufacturing in the commonwealth, or in research and development in the commonwealth shall, for the purposes of this chapter, be deemed to be a domestic manufacturing corporation or a domestic research and development corporation. A domestic manufacturing corporation shall be taxed in the same manner and shall have the same duties under this chapter and chapter 62C as a domestic business corporation, except

insofar as the determination of the excise under this chapter may be affected by reason of the exemption from local taxation of the machinery of a domestic manufacturing corporation.

A domestic research and development corporation for the purposes of this section is one whose principal activity in the commonwealth is research and development and which, during the taxable year, derives more than 2/3 of its receipts attributable to the commonwealth from the activity or incurs more than 2/3 of its expenditures attributable to the commonwealth, allocable to such activity. Corporations engaged in both research and development and in manufacturing shall exclude expenditures related to manufacturing from total expenditures for the purpose of assessing whether 2/3 of expenditures are allocable to research and development, whether or not the manufacturing activities of the corporation are substantial. Receipts from research and development shall include receipts from the provision of research and development services and from royalties or fees derived from the licensing of patents, know-how or other technology developed from research and development. For purposes of this section, research and development is experimental or laboratory activity having as its ultimate goal the development of new products, the improvement of existing products, the development of new uses for existing products, the development or improvement of methods for producing products, and does not include testing or inspection for quality control purposes, efficiency surveys, management studies, consumer surveys or other market research, advertising or promotional activities, or research in connection with literacy, historical or similar projects.

SECTION XX. Subsection (a) of section 38N of said chapter 63, as so appearing, is hereby amended by striking the last 3 paragraphs and inserting in place thereof the following paragraphs:- A credit allowed under this section may be taken only after the taxpayer completes a report signed by an authorized representative of the corporation, and files the report with the EACC within two years of the initial project certification by the economic assistance coordinating council and annually thereafter. The economic assistance coordinating council shall certify that property eligible for the credit is a certified project within the economic opportunity area as defined in said section 3E of said chapter 23A and wholly within an area designated as an economic target area pursuant to section 3D of said chapter 23A, and that the certified project reasonably satisfies the employment projections specified in the original project proposal. Based upon the information provided in the report and its own independent investigation, the EACC shall determine whether the certified project is in compliance with the definition of certified project set forth in this section and whether the project has a reasonable chance of increasing employment opportunities as advanced in the initial proposal as certified by the EACC. If the EACC determines that the certified project is no longer in compliance, then certification of the project shall be revoked by said EACC as provided in section 3F of chapter 23A and notification of decertification shall be given to the commissioner of the department of revenue who shall disallow any future credits under this section. If the project is considered decertified for reasons of fraud or material misrepresentation, as determined by the EACC and the commissioner of revenue, the commissioner shall have a cause of action against the controlling business of the project for the value of any economic benefits received, including, but not limited to, the amount of the tax credit allowed under this section. Nothing in this section shall be deemed to limit the authority of the commissioner to make adjustments to a corporation's liability upon audit.

SECTION XX. Section 3F of chapter 23A of the General Laws is hereby amended by striking the following words inserted by section 2 of chapter 262 of the acts of 2004: "or by the commissioner of revenue upon denial of the application of the tax credit provided in section 38N of chapter 63. and" and inserting in place thereof the following words:- and only.

SECTION XX. Said section 3F of said chapter 23A of the General Laws, as so appearing, is hereby further amended by striking out the word "or" inserted by section 3 of chapter 262 of the acts of 2004 and inserting in place thereof the following word:- and.

SECTION XX. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by adding the following subsection:-

(g) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold, or assigned to parties who are eligible under provisions of subsection (a). A corporation desiring to make a transfer, sale, or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale, or assignment of Massachusetts environmental response action tax credit is eligible. Said

corporation shall provide appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response tax credit reflecting the amount of tax credit received, a copy of which shall be attached by the party receiving the environmental response tax credit to each tax return in which the tax credits are used.

(h) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on community development and small businesses and the joint committee on economic development and emerging technologies, identifying the total amount of tax credits claimed pursuant to this section and the total amount of tax credits transferred, sold, or assigned pursuant to this section in the preceding fiscal year.

SECTION XX. Subparagraph (i) of paragraph (1) of subsection (b) of section 38R of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2005, and ending December 31, 2010, under this section together with section 6J of chapter 62, an amount not to exceed \$50,000,000 per year.

SECTION XX. Section 42B of said chapter 63, as so appearing, is hereby amended by striking out, in lines 18 to 22, inclusive, the words; "provided however, that a corporation that qualifies as a foreign research and development corporation only by reason of its expenditures shall not be entitled to the credit provided in section 31A of chapter 63 by virtue of its qualification as a foreign research and development corporation".

SECTION XX. Section 18 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the last paragraph the following new paragraph:-

(A) (1) The commissioner may issue to any manufacturer of food products, including ice cream, licenses as importers only to import alcoholic beverages into the commonwealth for use only in connection with the manufacture of such products by the holder of the license issued under this paragraph.

(2) Nothing contained in this paragraph shall authorize the holder of an importer's license to sell such alcoholic beverages as he is licensed to import hereunder, or to export such alcoholic beverages from this commonwealth into any state or into any foreign country.

(3) No vote in any city or town under section eleven shall prevent the granting or renewal of a license under this paragraph.

(4) All alcoholic beverages purchased by any licensee under this paragraph, and all alcoholic beverages, shipped into the commonwealth pursuant to any such purchase, shall be warehoused at the warehouse facilities of such licensee and held in his physical possession at such warehouse.

(5) Every importer under this section shall keep such records as the commission may prescribe, and shall file with the commission, whenever and as often as it may require, duplicates of copies of such records. The commission shall at all times, through its designated officers or agents, have access to all books, records or other documents of every licensed importer relating to the licensee's importer business.

(6) The annual license fee for each importer shall be computed based on the bandage imported by the importer as follows:

5,000 gallons or less per year \$22 per year  
More than 5,000 gallons and less than 20,000 gallons per year \$44 per year  
More than 20,000 gallons per year and less than 50,000 gallons per year \$82 per year.  
Any amount over 50,000 gallons shall be subject to current statute.  
For the above purposes, a barrel shall be thirty-one gallons.

(7) Every applicant for an importer license shall, at the time of filing an application, pay a license fee based on a reasonable estimate of the amount of alcoholic beverages to be imported during the year covered by the license. Persons holding importers licenses shall report annually at the end of the year covered by the license the amount of alcoholic beverages produced during such year. If the total amount of such alcoholic beverages exceeds the amount permitted by the fee already paid, the licensee shall pay whatever additional fee is owing under this section.

SECTION XX. Subsection (a) of section 15 of chapter 151A of the General Laws as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:- Notwithstanding section 47, if an employer or an officer or agent of an employer knowingly fails or refuses to pay any contribution, payment in lieu of contribution or interest charge or attempts in any manner to

evade or defeat any contribution or payment in lieu of contribution or knowingly makes a false statement or misrepresents the employment status of an individual under his employ to avoid or reduce any contribution, he shall be punished by a fine equal to the total amount of contributions owed, including any interest; provided further, that if as a result of such action an individual fraudulently collects benefits, such employer shall be assessed a penalty, in addition to the fine specified above, equal to the total amount of the benefits fraudulently collected by the individual during the period in which such individual was under its employ.

SECTION XX. Section 25 of said chapter 151A, as so appearing, is hereby amended by striking out subsection (j) and inserting in place thereof the following-(j) Any week in which the individual fraudulently collects benefits. Whoever fraudulently collects benefits may be disqualified for each otherwise compensable week for each such total or partial week of erroneous payment; provided however; the amount in question shall be reduced by any earnings disregard in subsection (d) of section 29; provided further, that at the discretion of the commissioner, the amount erroneously paid may be deducted first from any future payments of benefits accruing to the individual under this chapter provided further, the total benefits to which the individual may be entitled under this chapter shall be reduced by the weekly benefit amount which, but for the operation of this subsection, would be payable under this chapter; provided further that the amount deducted each week shall not exceed 25 per cent of the individual's weekly unemployment benefit rate; and provided further, that the individual shall have the actual notice of the requirement to report his earnings and the notice shall have met the requirements of clause iii of subsection (d) of section 62A. Any individual subjected to a deduction under this section may file an appeal and obtain review in accordance with sections 39 to 42, inclusive, and section 71.

SECTION XX. Said chapter 151A is hereby further amended by inserting after section 69D the following section:-

Section 69E. (a) In addition to any other remedy provided in this chapter, the commissioner may utilize the procedures specified below for the collection of any outstanding obligation where: (i) the obligation has been ruled final pursuant to section 69D; (ii) the obligation arose as a result of the obligor's failure to knowingly and willfully furnish accurate information concerning any material fact, including amounts of remuneration received; or (iii) the obligor has failed to satisfy the obligation or make payment arrangements acceptable to the commissioner within 30 days after notice that such obligation has become final and is due.

(b) After 30 days notice that complies with the requirements of clause iii of paragraph (d) of section 62A to obligor of the intent to file a certificate of attachment, the commissioner may file with the clerk of the Boston municipal court department or in the district court department in the judicial district where the obligor lives or is employed a certificate of attachment, or a copy thereof, under the commissioner's official seal which shall include: the name and address of the obligor; the amount owed, including interest and penalties assessed pursuant to subsection (a) of section 69; that the obligor is in default; and that the obligation has become final. The commissioner shall also provide information concerning the obligor's weekly benefit amount as referenced in subsection (c).

(c) Upon receipt of a certificate of attachment the clerk shall send written notice, first class mail, to the obligor at the address listed in the certificate of attachment notifying the obligor that the certificate of attachment has been filed and the clerk shall enter into the judgment records of the court the name of the obligor mentioned, the amount owed and in default, and the date such certificate of attachment was filed. No sooner than 10 days after the certificate of attachment was filed with the clerk, the clerk, at the request of the commissioner or the commissioner's agent or attorney, shall issue an execution in the same manner as a duly entered judgment of the court. No filing fee shall be paid by the commissioner for the filing of a certificate of attachment.

(d) Every judgment issued pursuant to subsection (c) shall include an attachment, and assignment to the department, of a portion of the obligor's salaries, wages, earnings, or other periodic income, in an aggregate amount sufficient to comply with the judgment as limited by section 34 of chapter 235. The periodic amount of the assignment shall be the lesser of the obligor's weekly unemployment insurance benefit amount in effect at the time the obligation arose or the maximum amount permitted by 15 USCA § 1673(a); provided, however, that where more than one weekly benefit amount was in effect, the periodic amount shall be the lesser of the average of all such weekly benefit amounts or such maximum amount; provided further, that the obligor may, within 10 days following the filing of the certificate of attachment by the

commissioner, petition the court for a modification. The court shall consider the amount owed, the income and reasonable expenses of the obligor and other factors which the court finds to be relevant to the ability to repay the amount owed.

(e) An employer shall send the amount required by the attachment to the commissioner within 3 days after the day the obligor is paid. The employer may deduct from the obligor's earnings a sum not exceeding \$1 per pay period as reimbursement for administrative costs incurred and may submit to the commissioner one check covering all its employees whose earnings are attached along with a statement enumerating each employee's obligation and amount paid. If an attachment is in effect under subsection (d) but cannot be implemented because obligor has no employer, the obligor shall notify the commissioner as soon as employment is obtained and the commissioner shall submit the attachment notification to such employer. The attachment shall then commence on the first payment of wages that occurs more than three days after the employer receives notice of the attachment and shall continue until the obligor leaves that employment or the employer is notified by the commissioner that the attachment should be terminated.

(f) If the obligor changes employers, the obligor shall notify the commissioner within 3 days after beginning the new employment, and shall notify the new employer of the attachment. The commissioner shall then transfer the attachment to the new employer.

(g) Attachments made pursuant to this section shall terminate when the underlying obligation terminates and all arrears are paid.

(h) If an employer fails to comply with an order of attachment executed pursuant to this section, the court shall, upon request of the commissioner, summon the employer to appear in court and show cause why he should not be held in civil contempt for failure to obey said order; provided further, that an employer shall not discipline, discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against an employee because of an attachment executed or threatened pursuant to this section. Any employer who violates this section shall be liable for civil contempt to such employee for all wages and employment benefits lost by the employee from the commencement of the discriminatory action to the period of reinstatement and shall be liable for such damages or equitable relief as a court shall deem appropriate, including reinstatement with the same seniority status such employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination; provided further, that the employer shall be required to reasonable attorney's fees. An employee may bring an action in the appropriate superior court department or the superior court department of Suffolk County for the relief provided in this section.

SECTION XX. Section 24(c) of said chapter 151A, as so appearing, is hereby amended by inserting after the word "commissioner" in line 36 the following:- provided that the commissioner shall permit individuals to furnish information concerning continuing eligibility for benefits including any remuneration received by them during the period for which they claim benefits by mail or in person at a public employment office, and provided further that the income and eligibility certification procedures utilized by the commissioner shall meet the requirements of clause iii of subsection (d) of section 62A.

SECTION XX. Chapter 166 of the General Laws is hereby amended by inserting after section 25A the following section:-

Section 25B. As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Utility", any person, firm, corporation or municipal lighting plant that owns or controls or shares ownership or control of poles, ducts, conduits or rights of way used or useful, in whole or in part, for supporting or enclosing wires or cables for the transmission of intelligence by telegraph, telephone or television or for the transmission of electricity for light, heat or power; provided, however, that municipal lighting plants shall be exempted from all the provisions of this section for a one year period.

"Usable space", the total space which would be available for attachments, without regard to attachments previously made, (i) upon a pole above the lowest permissible point of attachment of a wire or cable upon such pole which will result in compliance with any applicable law, regulation or electrical safety code or (ii) within any telegraph or telephone duct or conduit.

"Wireless attachment", any device, apparatus, appliance or equipment used or useful in providing wireless telecommunications services, including any associated wire or cable, installed upon any pole owned or controlled, in whole or in part, by one or more utilities.

"Wireless provider", any person, firm or corporation other than a utility, which provides telecommunications service.

A utility shall provide a wireless provider with nondiscriminatory access to any pole or right-of-way used or useful, in whole or in part, owned or controlled by it for the purposes described in this section.

Notwithstanding this obligation, a utility may deny a wireless provider access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis only if the utility can substantiate that the wireless provider refuses to incorporate into the terms and conditions of an agreement for access to such poles, conduits or right-of-ways reasonable terms concerning, safety, reliability and generally applicable engineering standards, but shall otherwise execute an agreement with the wireless provider in consideration at or below the maximum rate set by the department. Subject to the requirement of the section, no wireless attachments shall be made to the poles, towers, piers, abutments, conduits, manholes, and other fixtures necessary to sustain, protect, or operate the wires or cables of any lines used principally for the supply of electricity in bulk, without the written consent of the utility.

The department shall have authority to regulate the maximum rates applicable to wireless attachments placed on poles, and in so doing shall be authorized to consider, and shall consider, the interest of subscribers of wireless communications services as well as the interest of consumers of utility services. In any case in which the utility and wireless provider fail to agree upon rates of placing wireless attachments on the utility's poles, upon petition of any wireless provider said department shall determine and enforce reasonable rates, for the use of the poles addressed by said petition by the petitioning wireless provider.

The department, pursuant to the provisions of this section, shall determine a just and reasonable maximum rate for the use of poles of a utility for wireless attachments of poles by a wireless provider by assuring the utility recovery of not less than the additional costs of making provision for wireless attachments nor more than the proportional capital and operating expenses of the utility attributable to that portion of the pole occupied by the attachment. Such portion shall be computed by determining the percentage of the total usable space on a pole that is occupied by the attachment. The department is hereby authorized and directed to promulgate rules or regulations for the administration and enforcement of this section.

SECTION XX. Section 11 of chapter 614 of the acts of 1968, as most recently amended by section 4 of chapter 268 of the acts of 1980, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the discretion of the authority, any revenue bonds issued under the provisions of this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank chartered or incorporated in the United States and having the powers of a trust company or bank.

SECTION XX. Said section 11 of said chapter 614 of the acts of 1968, as so appearing, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following:- Any bank or trust company or such savings bank which may act as depository of the proceeds of bonds or of such revenues or other moneys may furnish such indemnity bonds or pledge such securities as may be required by the authority.

SECTION XX. Section 25 of chapter 175 of the acts of 1998, as most recently amended by section 1 of chapter 172 of the acts of 1999 and section 159 of chapter 184 of the acts of 2002, is hereby further amended by striking out, in line 2, the figure "2005" and inserting in place thereof the following figure:- 2010.

SECTION XX. Section 53 of chapter 141 of the acts of 2003 is hereby further amended by inserting after subsection (e) the following:-

(f) The council shall: (i) provide agencies with input regarding proposed permanent rules or regulations which adversely affect small business; (ii) review any rule or regulation promulgated by a state agency which adversely affects small business and make recommendations to the agency and the general court regarding the need for a rule, regulation or legislation to address said adverse affects.

Within the review and comment period, if the council determines that a proposed rule or regulation adversely affects small business, the council shall submit to the agency a request to consider: (i) the availability and practicability of less restrictive alternatives that could be implemented; and (ii) creative, innovative, or flexible methods of compliance for small businesses; provided further, that the council shall also review current regulations and make recommendations to agencies on amendments to those regulations

that may have a negative impact on small business. An agency receiving such recommendation shall respond in writing to the council as to whether it intends to pursue the council's recommendations and, if it does not intend to pursue said recommendations, identify its reasoning; provided, however, that the council's review shall not apply to proposed permanent rules or regulations by an agency to implement a statute or ordinance that does not require an agency to interpret or describe the requirements of the statute or ordinance, such as state legislative or federally mandated provisions which afford the agency no discretion to consider less restrictive alternatives.

The department of business and technology shall provide administrative support to the council, as requested.

SECTION XX. Item 4120-2000 in Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the figure "\$7,476,987" and inserting in place thereof the following figure:- \$7,976,987.

SECTION XX . Said section 2 of said chapter 45 is hereby further amended by inserting after item 7002-0012 the following item:-

7002-0045	For the broadband affairs director within the executive office of economic development; provided, that said funding shall be used in support of the broadband access oversight council established in paragraph (b) of section 4F of chapter 40J of the General Laws; and provided further, that said funds may be utilized for pilot programs to achieve broadband expansion to every community in the commonwealth pursuant to paragraph (b) of section 4F of chapter 40J of the General Laws .....	250,000.
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SECTION XX. Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0803 and inserting in place thereof the following item:-

7003-0803	One-Stop Career Centers chartered by local workforce investment boards are a major source of information, training and labor exchange and job placements in Massachusetts. Each career center shall inform unemployed or underemployed residents and individuals with low educational skill levels or limited English proficiency who seek assistance from the center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth. The department of workforce development shall conduct an evaluation of the use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region; the services provided by each one stop career center; the number of persons and costs of operating the connecting unemployment insurance claimant initiative in one-stops; the costs of providing each of the range of one stop career services; provided further, the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers. The director shall annually, by September 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the status of the evaluation herein required and the allocation of said funds. Said appropriation shall support the operations of existing one-stop career centers .....	6,000,000
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SECTION XX. Said section 2 of said chapter 45, as so appearing, is hereby further amended by inserting after item 7003-0803 the following item:-

7003-0805 For a pilot program to reduce unemployment insurance fraud; provided that funds appropriated herein shall be expended for, but not limited to, fraud detection and prevention staff, investigative staff, training, and fraud detection software; provided further, that the department of workforce development shall file reports on June 30, 2007 and March 15, 2008 with the house and senate committees on ways and means and the joint committee on labor and workforce development which shall include information about the unemployment insurance fraud efforts undertaken with funds appropriated herein and with other resources, and the estimated savings both in detection and prevention from the time of the initiation of this pilot; and provided further, that funds appropriated herein shall be available for expenditure through June 30, 2008..... 3,285,000.

SECTION XX. Said section 2 of said chapter 45 is hereby further amended by inserting, after item 7007-0300, the following item:-

7007-0333 For the establishment within the Massachusetts office of business development of a Massachusetts in-state sales force for the marketing and promotion of the commonwealth and to increase economic development within the commonwealth; provided further, that the duties of said in-state sales force shall include, but not be limited to, the encouragement of retention, expansion, and creation of businesses and industries within the commonwealth, and the development of standards and measures to monitor and report the progress of its actions; and provided further, that the Massachusetts office of business development shall aggregate all such data and annually submit a report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, and the joint committee on community development and small businesses on the activities and expenditures undertaken with funding from this line item ..... 1,500,000

SECTION XX. Item 7007-0900 in said section 2 of said chapter 45 is hereby amended by inserting after the words, "provided further, that said office shall grant not less than \$4,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share;" the following words:- provided further that not less than \$90,000 of said grant shall be used for the development of a joint marketing and branding program in conjunction with the Massachusetts International Trade Council to promote and market Massachusetts as a location for foreign direct investment and international business opportunity.

SECTION XX. Said section 2 of said chapter 45 is hereby further amended by striking out item 7007-1300 and inserting in place thereof the following item:-

7007-1300 For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts

businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided that not more than \$100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than \$60,000 shall be applied as a 25 per cent match to the European Commission's Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, that not more than \$100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, that not more than \$120,000 shall be spent toward the establishment of a foreign direct investment foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than \$180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than \$50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than \$30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than \$25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than \$120,000 to be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters..... 1,895,000

Tourism Fund.....50.6%

General Fund.....49.4%

SECTION XX. Said section 2 of said chapter 45 is hereby further amended by striking out item 7027-0019 and inserting in place thereof the following item:-

7027-0019 For school to career connecting activities provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development and the state workforce investment board may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of

connecting schools and businesses to ensure that students serve productively on the job; provided further, The Department of Education shall establish a formula regarding how funding for this program shall be apportioned. The Department must develop a funding formula for legislative approval by June 1, 2006 ..... 7,129,687

SECTION XX. Said section 2 of said chapter 45 is hereby further amended by striking out line item 7035-0002 and inserting in place thereof the following item:-

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, and English language learning, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from the most basic levels of literacy and English language proficiency to levels of skills and ability needed for parents to assume their role as full partners in their children's education, as citizens, and to successfully transition to community college certificate and degree granting programs and employment opportunities and advancement in the workplace; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges, workforce boards and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further that these funds will be used to expand access to these services, reduce the waiting lists for such services and better connect these services to skills and occupational training including workplace based and worker education programs and pathways to higher education, integrated family literacy and family support and citizenship preparation; provided further, there shall be established the Adult Basic Education Advisory Committee which shall provide general oversight and make recommendations to the Commissioner and the Board of Education regarding how funding for this program shall be apportioned. The Committee shall be appointed by the Commissioner and shall include a minimum of 1 representative of the Massachusetts Coalition for Adult Education, 1 representative of the Massachusetts Workforce Board Association, 1 representative of the Massachusetts Alliance for Adult Literacy, 1 representative of the ABE Directors Council, 1 representative of the Massachusetts Institute for a New Commonwealth, 1 representative of the Massachusetts AFL-CIO to be selected by the President of the Massachusetts AFL-CIO; 1 representative appointed by the commissioner of the department of workforce development, and 1 representative of the board of higher education. The commissioner shall convene the advisory committee at least quarterly; and provided further that not more than 7.5 per cent of the funds appropriated herein may be expended for administrative purposes ..... 32,322,628

SECTION XX. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$13,000,000 from the General Fund to the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws.

SECTION XX. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer not less than \$8,000,000 from the General Fund to the Massachusetts Community Development Finance Corporation for the recapitalization of said corporation; provided, however, that not less than \$3,000,000 of funds made available to the Massachusetts Community Development Finance Corporation shall be used to fund a community development financing institution, previously known as the New Markets Entrepreneurial Fund, Inc.

SECTION XX. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer \$30,000,000 from the General Fund to the Brownfields Redevelopment Fund established pursuant to section 29A of chapter 23G of the General Laws; provided however, that not more than \$200,000 of this amount shall be used by the Massachusetts Development Finance Agency to study the need for and potential costs of allowing grants from the Brownfields Redevelopment Fund to be used for asbestos and lead paint abatement; and provided, further, that the Massachusetts Development Finance Agency shall provide a detailed written report of its findings following said study no later than June 30, 2006 to the joint committee on community development and small businesses.

SECTION XX. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the department of business and technology for grants administered by the department; provided, however, that not less than \$2,000,000 shall be made available for grants to community development corporations, community development financial institutions, or community based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer; provided, however, that no single community development corporation, community development financial institution, or community based organization shall receive a grant of more than \$75,000 in any one fiscal year. The department shall annually, on or before December 31, file a report with the house and senate committees on ways and means, and the joint committee on economic development and emerging technologies.

SECTION XX. Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$15,000,000 from the General Fund to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund established pursuant to section 2MMM of chapter 29 of the General Laws; provided, however, that the comptroller shall transfer not more than \$4,000,000 in any one fiscal year.

SECTION XX. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer from the General Fund to the Workforce Competitiveness Trust Fund established pursuant to section 2RR1/2 of chapter 29 of the General Laws an amount equal to the workforce training contributions required by section 14L of chapter 151A of the General Laws and collected in each fiscal year pursuant to said requirements; provided, however, that said transfer shall not be less than \$11,000,000; provided, further, that not less than \$1,000,000 shall be provided for grants to providers of workforce development and job skills training services for projects benefiting older adults; and provided further, that subject to appropriation, the director of workforce development shall make expenditures from the fund for the purposes outlined in said section 19.

SECTION XX. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer not less than \$250,000 from the General Fund to the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement. Any such expenditure of the layoff aversion through management program as provided for in this section shall leverage at least \$1 for each dollar in matching

funds for every \$1 granted pursuant to this section. The president of the small business association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development on the number of employees and manufacturing based companies that have received financial assistance through this section, a detailed description of the services provided to manufacturing companies in Massachusetts through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs.

SECTION XX. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer not less than \$3,000,000 from the General Fund to the Educational Rewards Grant Program Fund established pursuant to section 21 of this act.

SECTION XX. Notwithstanding of any general or special law to the contrary, there is hereby established a performance standards and workforce accountability task force. The task force shall develop and recommend policies that advance skills and workforce development opportunities for incumbent, unemployed and underemployed youth and adult workers whose lack of skills prevent or limit their successful employment. Lack of skills may include, but shall not be limited to, being less than proficient in English, mathematics, reading, writing, science and technology, or such other skills as Massachusetts employers may identify. The following groups shall be specifically targeted for assistance: adult workers with no post-secondary education; adult immigrants who seek to learn English; adults without a high school diploma; displaced workers; older workers; individuals not currently connected to the workforce; and youths between the ages of 16 and 21 who have either dropped out of school or at risk of dropping out, or who are academically at-risk of not completing the requirements for high school graduation. The task force shall develop recommendations which shall include, but not be limited to, the following: (i) maximizing the skills gained, the number of people served, and the quality of outcomes achieved through the workforce development system; (ii) increasing services and resources for those most in need and for the purpose of moving individuals and families out of poverty; (iii) identifying professional development and technical assistance needs and resources to strengthen workforce development programs and the skills of staff who deliver workforce development services; and (iv) evaluating and analyzing current local and state policies for the governance and coordination of workforce development agencies and programs in Massachusetts and making recommendations for improving coordination, oversight, performance standards, streamlining bureaucracy and maximizing resources.

The task force shall design and conduct an evaluation and analysis of the present governance and coordination of workforce development agencies and programs in the commonwealth. On the basis of that study the task force shall recommend to the general court, and other appropriate agencies, policies and changes to policies likely to improve the results of workforce development efforts in the commonwealth. Said recommendations shall address improving coordination, oversight and maximizing resources. The goals of the study shall include assisting Massachusetts citizens in making better use of the state's workforce development system, defining clearer lines of responsibility and accountability, and analyzing the management of the system in an effort to both improve service delivery and supplementing the resources available for education and training. The task force shall publish a resource guide of all the workforce education and training resources in the commonwealth.

It shall be the responsibility of the department of workforce development, through the Commonwealth Corporation, in consultation with the workforce accountability task force to evaluate existing, and develop additional, performance standards for workforce and job-training programs receiving state funding in the areas of employment, skill, education, business and customer satisfaction impact for the agencies of the commonwealth that provide workforce development resources, education or training programs as defined by the task force. Commencing July 1, 2006, all workforce development services and job skills training programs receiving state or federal funds must submit, not later than June 30, an annual performance report to the department, the state workforce investment board, the house and senate committees on ways and means, the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development; provided further, that said annual performance report shall use the employment, education, business and customer satisfaction measures and standards as agreed upon; provided further, said report shall include any recommendations for the termination of any programs no longer required.

The task force shall consist of the following members: 2 members to be appointed by the governor, 1 of whom shall be the director of the department of workforce development or his designee; 2 members to be appointed by the president of senate; 2 members to be appointed by the speaker of the house of representatives; the chancellor of the board of higher education or his designee; the secretary of the executive office of health and human services or his designee; 1 member from the Massachusetts Business Roundtable; 1 member from the Associated Industries of Massachusetts; 2 members selected by the president of the Massachusetts AFL-CIO; 2 employer members from the Massachusetts workforce investment board association; 1 member from the Workforce Investment Association of Massachusetts; 1 member from the executive office of community colleges; 1 member from the Department of Education; 1 member from the Massachusetts Workforce Investment Board; 1 member from the Commonwealth Corporation; 1 member from the Women's Union; 1 member from the Massachusetts State Colleges Council of Presidents; 1 member from the Massachusetts Association of Community Development Corporations; 1 member from the Massachusetts Coalition for Adult Education; and 1 member from the Massachusetts Workforce Alliance. Members of the task force shall serve without compensation. The task force shall be co-chaired by two members of the taskforce, appointed jointly by the president of the senate and the speaker of the house of representatives and shall annually, on or before December 31, file a report with the clerk of the house and senate, the house and senate committees on ways and means and the joint committee on labor and workforce development and the joint committee on economic development and emerging technologies.

The department of workforce development shall provide the funds necessary to carry out the activities of this section through workforce investment act funds; provided further, that the department may use up to \$500,000 of the workforce competitiveness trust fund for this purpose and shall provide administrative support to the task force, as requested.

SECTION XX. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall amend the food stamp employment and training plan to maximize the use of the 50-50 match provision, so-called. The department of transitional assistance may reimburse such entities including, but not limited to, community based organizations, community colleges, and local governments for allowable costs for eligible people as provided for in the food stamp employment and training plan; and provided further, that the equivalent of at least the first \$3,000,000 of such match funds shall be expended by said department in accordance with item 4401-1100 of the general appropriation act.

SECTION XX. The attorney general of the commonwealth shall notify in writing the United States Trade Representative of the policies set forth in section 21 of chapter 30B of the general laws no later than 90 days after the effective date of this act, and shall provide copies of such notice to the president of the senate, speaker of the house of representatives, and the commonwealth's congressional delegation.

SECTION XX. Notwithstanding any general or special law to the contrary for the purpose of facilitating economic development and job growth by identifying regulatory burdens that place Massachusetts companies at a competitive disadvantage, the department of environmental protection shall conduct an analysis of existing state regulations to identify those standards and regulations which exceed the requirements of comparable federal regulations or which require permitting, reporting and compliance with standards not covered by any federal regulation and to report to the legislature no later than December 31, 2006.

SECTION XX. Not later than 10 days after the effective date of this act, the comptroller shall transfer \$158,920,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the General Fund. If, however, the balance in the Transitional Escrow Fund exceeds \$320,000,000 the comptroller shall transfer any balance over \$320,000,000 up to \$148,920,000 from the Transitional Escrow Fund to the General Fund, prior to any transfer from the Commonwealth Stabilization Fund necessary in order to satisfy funding necessary to implement the act.

SECTION XX. Notwithstanding any other general or special law to the contrary, the commissioner of the department of revenue is hereby authorized and directed to promulgate rules or regulations for the administration and enforcement of sections 39 and 40 of this act, which become effective on July 1, 2006.

SECTION XX. Sections 41, 42 and 43 shall be effective for tax years commencing on or after January 1, 2005.

SECTION XX. Section 60 shall only apply to violations discovered on or after the effective date of this act.

SECTION XX. Section 55 shall only apply to weeks of unemployment occurring on or after the effective date of this act.

SECTION XX. Within 60 days of the effective date of section 57 each utility in the commonwealth shall file with the department of telecommunications and energy a tariff which shall set forth the formula, based on the principles outlined in section 25B of chapter 166 of the General Laws, which said utility will utilize to compute its rate for the use of wireless attachments by wireless providers.

SECTION XX. Section 1 of chapter 40Q of the General Laws is hereby amended by striking the following definition inserted by section 18 of chapter 46 of the acts of 2003:

"Inflation factor", a ratio: (1) the numerator of which shall be the total assessed value of all parcels of all residential and commercial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the residential and commercial real estate as determined by the commissioner of revenue pursuant to paragraph (f) of section 21C of chapter 59; and (2) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator; provided, however, the ratio shall not be less than 1.

SECTION X. Section 1 of chapter 40Q of the General Laws is hereby further amended by striking the first sentence of the definition of "Original assessed value" inserted by section 18 of chapter 46 of the acts of 2003 and inserting in its place the following sentence:- "Original assessed value", the aggregate assessed value of the district as of the base date.

SECTION X. Every party having entered into a tax increment financing or economic opportunity area agreement shall be responsible for notifying the Economic Assistance Coordinating Council and the municipality of any substantial change to the tax increment financing or economic opportunity area agreement. Said notice shall be provided to the Economic Assistance Coordinating Council and the municipality by writing within 90 days of occurrence and shall be provided annually to the Department of Revenue.

Substantial change as used herein shall mean the offshoring of production or outsourcing of functions or relocation of business functions; or any operational changes in the nature of products or services; or any cessation or pause in operations; or any net workforce reduction or change in hiring plans; or any sale or transfer or change in ownership or structure of the company.

Violation of any of the foregoing shall result in a revocation of the tax increment financing or the economic opportunity area agreement by the municipality or Economic Assistance Coordinating Council at its discretion.

SECTION XX. Paragraph (6) of subsection (d) of section 29 of chapter 151A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended, in line 125, by striking out the words "the Social Security Act or".

SECTION XX. Said paragraph (6) of subsection (d) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:- Payments received under the Social Security Act shall not be subject to the provisions of this paragraph.

SECTION XX. The Joint Committee on Economic Development and Emerging Technologies shall develop a statewide plan to encourage the adoption and formulation of research programs to ensure the Commonwealth retains its current status as the premier location for the creation, development and commercialization of biomedical research.

The Committee shall file a report with the Clerks of the House and Senate together with draft legislation necessary to implement said plan by December 31, 2006.

SECTION XX. There is hereby established a special commission to consist of two members of the senate appointed by the Senate President; two members of the house of representatives appointed by the Speaker of the House; the treasurer and receiver general; the secretary of the executive office of administration and finance or his designee; the director of the department of housing and community development or his designee; the secretary of the executive office of health and human services or his designee; the director of the department of economic development or his designee; the chairman of the board of higher education or his designee; one of whom shall be a representative of the Massachusetts Community Action Program Directors' Association; one of whom shall be a representative of the Massachusetts Association of Community Development Corporation; one of whom shall be a representative of the Massachusetts Individual Development Account Solutions; and, thirteen persons appointed by the Governor, one of whom shall be a representative of the general public who has participated or is participating in an individual development account administered by a community based organization based in Massachusetts; one of whom shall be a representative from the general public who manages an existing Individual Development Account program in Massachusetts; two of whom shall be representatives of the Massachusetts Bankers Association; one of whom shall be a representative of the United Way of Massachusetts Bay; one of whom shall be a representative of a private philanthropy or private foundation; one of whom shall be a representative of the Women's Educational and Industrial Union; one of whom shall be a representative of an Earned Income Tax Credit counseling organization; one of whom shall be a representative of the Institute on Assets and Social Policy at the Heller School, Brandeis University; one of whom shall be a representative of a public or private institution of higher education; one of whom shall be a representative of a private, non-profit, non-partisan research and policy organization; one of whom shall be a representative of the Massachusetts AFL-CIO; and, one of whom shall be a representative of the Federal Reserve Bank of Boston.

The commission is created for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term and sustainable economic security and self-sufficiency and enjoy economic opportunity. Said commission shall examine the success of low-income workers of the Commonwealth in saving money and building assets, and the reasons why some people have had less success than others; assess the impact of current state policies and private sector practices on saving and asset-building; identify strategies that offer a real promise of significantly increasing the numbers of those who save and build assets and the amounts they accumulate; and make recommendations - consistent with the state's short-and long-term fiscal condition - for state policies and practices, including action in coordination and collaboration with businesses and financial institutions, labor organizations, community- and faith-based organizations, and philanthropic organizations to implement those strategies.

The commission, in formulating its recommendations, shall take account of the best policies and practices in other states and jurisdictions, particularly, but not limited to those relating to Individual Development Accounts for low-income and low-asset households.

The focus of the commission shall include but not be limited to asset development strategies for low-income and low-asset individuals and families living in Massachusetts.

Where relevant, the commission shall consider the impact of labor market, education and training, and family-support policies and practices on opportunities for financial asset-building.

The commission shall be empowered to hold regular, public meetings and fact-finding hearings and other public forums, as it deems necessary.

Said commission shall report to the house of representatives the results of its investigation and study, and its recommendations if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives no later than two years after the passage of this act."

SECTION XX. Notwithstanding any other general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer \$10,000,000 from the General Fund to the Massachusetts Research Center Matching Fund established pursuant to section 4F of chapter 40J of the General Laws.

SECTION XX. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, not less than 10 days after the effective date of this act, the amount of \$10,000,000 from the

Commonwealth Stabilization Fund, to the Emerging Technology Fund for the recapitalization of such fund, established pursuant to section 27 of chapter 23G of the General Laws.

SECTION XX. Notwithstanding any general or special law to the contrary, there shall be continuing funding of \$3 million for the Massachusetts Technology Transfer Center, hereinafter referred to as the Center, at the University of Massachusetts, that shall facilitate the transfer of technology from the commonwealth's research institutions to the commonwealth's industries, for productive use by such industries.

The Center shall continue to provide advice and assistance to public and private research institutions on strategies for technology transfer including, but not limited to, advice and assistance in the following areas:

1. assessing the viability and value of developing technologies;
2. defining and exploiting potential markets for such technologies;
3. commercialization strategies;
4. intellectual property issues, including licensing strategies; and
5. business development.

The Center shall provide to public and private research institutions gap funds to support commercialization research and development on technologies that have been developed at institutions within the state. These funds would be awarded competitively and could be used for such purposes as, but not limited to,

1. Developing prototypes.
2. Undertaking initial feasibility testing or industrial testing.
3. Obtaining data on performance of new technologies
4. Developing user friendly interfaces for the new technology.

The board of trustees of the University of Massachusetts, in consultation with the director of business and technology, shall appoint an executive director of the center. The executive director shall devote his full time to the operation of the center and may be removed at the pleasure of the board of trustees. The executive director shall report annually to the department of business and technology on the number of technology transfer transactions or projects that have been consummated with the assistance of the center, the names and geographic locations of the recipient industries and the estimated number of new jobs created as a result of such transactions or projects.

There shall continue to be an advisory committee relative to the center consisting of the director of business and technology, or his designee, the director of science and technology within the department of business and technology and 7 members selected by the executive director of the center, with the approval of the board of trustees, 1 of whom shall be a representative from a technology industry, at least 1 such member shall be a representative from academia, at least 1 such member shall have experience in venture financing and at least 1 such member shall have experience in public administration. The appointed members of the committee may be removed by the executive director with or without cause, subject to the approval of the board of trustees, and shall serve without compensation, except that each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee shall meet at least twice annually.

and move to further amend the bill by inserting at the end thereof the following section:—

SECTION XX. Section 16 of Chapter 106 of the Acts of 2005 is hereby amended by striking out “2006” and inserting in place thereof the following:— 2007